

2003-2004 RESPONSES

IS THERE A NEED FOR A REGIONAL FIRE AUTHORITY AND RESCUE
HELICOPTER IN SAN DIEGO COUNTY?

Responding Agencies

San Diego County Board of Supervisors

[REDACTED]

[REDACTED]

Alpine Fire Department

[REDACTED]

Borrego Springs Fire Department

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

East County Fire Department

[REDACTED]

Encinitas Fire Department

[REDACTED]

[REDACTED]

Jacumba/Rural Fire Department

Julian Cuyamaca Fire Department

[REDACTED]

[REDACTED]

Lakeside Fire Protection District

Lemon Grove Fire Department

Lower Sweetwater Fire Protection District

[REDACTED]

[REDACTED]

[REDACTED]

Pine Valley Fire Protection District

[REDACTED]

Ramona Fire Protection District

Rancho Santa Fe Fire Department

San Diego Rural Fire Protection District

[REDACTED]

[REDACTED]

[REDACTED]

Valley Center Fire Protection District

[REDACTED]

Yuima Water District



Alpine Fire Protection District

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SEP - 1 2004

SAN DIEGO

COUNTY GRAND JURY

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AUG 30 2004 *gmp*

August 23, 2004

Presiding Judge of the Superior Court
P.O. Box 122724
San Diego, CA 92112-2724

Reference: Grand Jury Report 2003/4-01

The reason the Grand Jury did not receive a response from the Alpine Fire District is, by contract, I am the Chief of the Alpine Fire District. I did respond to the Grand Jury report under the authority of my primary roll, that a Chief of the San Miguel Fire District.

Since I only addressed recommendations number 04-01-3 and 04-01-5 in my response dated June 16, 2004 (attached), I will address 04-01-2 and 04-01-4 here.

Response to Recommendation 04-01-2: "The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program."

Due to my late response to this issue, it is somewhat mute at this point. The Board of Supervisors has already supported funding of a Regional Fire and Rescue Helicopter to be operated by the County Sheriff's Department.

Also, before I can recommend to my Board of Directors to expend funds to support a Regional Helicopter program, I feel a Joint Powers Agreement should be created to fund and to manage the operations of this program. The body that establishes policies and manages operations could be made up of elected officials from the cities and districts that make up this J.P.A.

The problems I see currently in this County with respect to a Regional Fire and Rescue Helicopter program is we are allocating millions of dollars to fund a program when our needs have not clearly been identified. The political bodies in this County have rushed to fill a void that hasn't accurately been spelled out.

I'm not opposed to a Regional Helicopter program. In fact, the San Miguel Fire District, that I'm also the Chief of, provides paramedics to County Copter 1 at no cost to the program. What I would like to see prior to throwing millions of dollars into a Regional Fire and Rescue Program is to clearly identify the need, and the long-term funding for, such a program. Also, there should be a commission established to oversee the design and operations of the program and authorize the expenditure of funds.

Response to 04-01-4: "The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters."


Again, while I support a Region Fire and Rescue helicopter, I feel we should have one in operation for one to two years and then reassess our needs before we spend millions of dollars funding a second helicopter. The Grand Jury needs to recognize how expensive a helicopter program is and that it will take away ground resources to fund one.

I strongly disagree that the first priority of a regional fire authority should be the creation and operation of a Regional Fire and Rescue Helicopter program with two or more helicopters. What is this based on? Is this in addition to the helicopters provided by the United States Forest Service, the California Department of Forestry and Fire Protection and the San Diego County Sheriff's Department?

The creation of a regional fire authority will be a huge undertaking. The Chief and staff of this agency will be faced with many decisions as to location of equipment, staffing levels, apparatus and station needs, standardizing operations and training, and the list goes on. The creation of a helicopter program should not be the top priority.

Somehow, one of the misconceptions that came out of the firestorms of October 2003 is that with helicopters we would not have experienced the Cedar and Paradise Fires. That is not the case. With a wind-driven fire of this magnitude, helicopters have little effect, assuming they can fly due to visibility and wind at all.

Sincerely,



Larry E. Kinard
Fire Chief
lkinard@smgfire.org



San Miguel Consolidated Fire Protection District

Serving the communities of Casa de Oro, Grossmont/Mt. Helix, La Presa, Rancho San Diego, Spring Valley, unincorporated areas of El Cajon and La Mesa

June 16, 2004

Grand Jury
County of San Diego
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Attention: Presiding Judge of the Superior Court

Reference: Grand Jury Report entitled: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"

Response to Recommendation 04-01-3: "The Grand Jury recommends the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority." and;

While I support the concept of a regional fire authority within San Diego County, there are several issues to consider. Bigger is not always better. Bigger is not always more efficient. In my opinion the level of service my agency, the San Miguel Consolidated Fire District, provides its citizens is as efficient and thorough as the largest fire agency in the County, San Diego City Fire and Life Safety Services. It is not my intent to take anything away from San Diego City. They provide a very high level of service to their community. The point I wish to make is I feel that even though we are only approximately 1/8th the size of the City of San Diego's Fire Department, our service to the community is outstanding and the cost of providing that service is very reasonable.

Now, with that being said, I do support a regionalized fire agency. For operational efficiencies of communications, dispatch services and standardized training, it makes sense. I feel for a newly created regional fire agency to be successful, some form of additional funding will be necessary. That funding could come from several areas and it is not my intent to identify those here. What the County is made up of now are several marginally funded or under-funded fire agencies. If those were to merge into one agency

without additional funding, you would simply have one large, marginally or under funded agency.

The Cedar Fire did not prove that the fire agencies serving this County are “dysfunctional” or are a “hodge-podge of groups acting independently throughout the County” as the media reported. What the Cedar Fire did prove was that the auto and mutual aid system in this County and State works very well. What was also proved was that fire protection in this County is a low funding priority. Unless that changes, a larger, regional fire agency will not change our ability to address a Cedar-type incident.

In order for this regional fire agency to improve the level of service to its citizens, it needs to provide additional staffing on a daily basis. This should be accomplished by providing 4-personnel on existing, strategically located apparatus. Also, the number of apparatus available on a daily basis needs to be increased. This can be accomplished two ways; by adding a second apparatus to existing fire stations and by adding a fire station in those areas that are inadequately served.

I think one of the reasons fire agencies in this County have survived is they are very resourceful. This can be a double-edged sword. What I mean by this is although the demand for service throughout the County has quadrupled over the years, our funding for providing the service has not. Yet, the fire agencies of the County have always found a way to provide the required service. The problem has been since the fire agencies have found ways to provide service; increased funding has been diverted to other areas. The weaknesses in our funding became evident during the Cedar Fire. This problem has been developing for years. As population grows, urban sprawl spreads into the Urban/Wildland Interface areas. Our funding has not grown at a rate that enables us to provide adequate protection for the citizens that live in these areas. That will not change with one, larger fire agency.

Response to Recommendation 04-01-05: “The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.”

While I recognize the need for a regional, multi-mission, fire and rescue helicopter, should that be our top priority? Since the Cedar Fire, public officials, the media and various fire professionals have called for a fleet of fire and rescue helicopters giving the public the impression that the fire’s outcome would have been different had we had them. With a wind-driven fire of this magnitude that simply is not the case. The greatest opportunity to save more property was with more fire engines. Backfires started and managed by ground resources offer the greatest chance of protecting structures during a large, wind-driven fire.

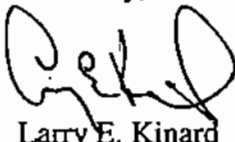
However, that being said, San Diego County is in need of a regional fire and rescue helicopter. Who should provide this resource is open to much debate. At this time, I don’t have an answer. I have talked with Sheriff’s Department executives who assure me

they can provide this resource more reasonably than other entities. They have trained pilots, mechanics, hangers and all necessary support to provide a fire and rescue helicopter. My concern with respect to a helicopter is we have the City and County of San Diego along with various grants funding multiple proposed helicopters and have yet to accurately identify what our actual needs are. In addition, the California Department of Forestry and Fire Protection, the United States Forest Service and the San Diego County Sheriff's Department all have helicopters equipped to fight fire.

It is my recommendation that we fund one regional fire and rescue helicopter, operate it for one or two fire seasons and then make a determination whether or not we need additional air resources. Air resources are tremendously expensive and only effective when used in conjunction with adequate ground resources.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry E. Kinard', written over a horizontal line.

Larry E. Kinard

Fire Chief

lkinaard@smgfire.org



RAMONA MUNICIPAL WATER DISTRICT

105 Earlham Street
Ramona, CA 92065-1599

Telephone:
(760) 789-1330

November 24, 2004

Grand Jury
County of San Diego
PO Box 12274
San Diego, CA. 92112-2724

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DEC - 1 2004
SAN DIEGO
COUNTY GRAND JURY

RE: Response to Grand Jury Report, March 10, 2004, Items 04-01-2,3,4,5

04-01-2 The Ramona Municipal Water District cannot implement the recommendation because it has no jurisdiction over the San Diego County Board of Supervisors or the City of San Diego in setting their policy. The Ramona Municipal Water District cannot implement the recommendation because it no funding available from the Ramona Municipal Water District to fund a San Diego Regional Fire and Rescue Helicopter Program.

04-01-3 The Ramona Municipal Water District is cooperating with the San Diego County Board of Supervisors and the San Diego Local Agency Formation Commission's Survey of Fire Protection and Emergency Medical Services.

04-01-4 The Ramona Municipal Water District cannot implement the recommendation because it has no jurisdiction over the San Diego County Board of Supervisors.

04-01-5 The Ramona Municipal Water District cannot implement the recommendation because there is no funding available from the Ramona Municipal Water District to fund a San Diego Regional Fire and Rescue Helicopter Program.

Thomas L. Brammell
General Manager



Julian Cuyamaca Fire Protection District

November 24, 2004

Presiding Judge of the Superior Court
PO Box 1222724
San Diego, CA 92112-2724

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SAN DIEGO
COUNTY GRAND JUR.

Dear Sir,

04-01-2 Our Fire District has no funds to put towards a cooperative agreement.

04-01-3 A regional fire authority is not the panacea that most people have been led to believe that it will be. A funding source for this mythical fire authority has not been identified or secured and it will continue to be a figment of politicians imaginations until such funding source is secured.

04-01-4 I feel that a regional fire and rescue program with two or more helicopters is a ridiculous waste of money when there are areas of this county that don't even have quality fire engines to respond on the ground. For the Grand Jury to recommend these helicopters as a "...first priority of a regional fire authority..." underscores the Grand Jury's lack of understanding of the problems that exist with providing fire service in San Diego County today.

04-01-5 This is one of the few recommendations of the Grand Jury that makes sense. Obviously a revenue source needs to be secured prior to any talk about an on-going helicopter service.

I feel there has been a lot of talk about a regional fire authority including Proposition C in the latest election. If a price tag were attached to Proposition C, I believe the results would have been dramatically different.

Sincerely,

Kevin C. Dubler

Kevin C. Dubler, Chief

SAN DIEGO RURAL

FIRE PROTECTION DISTRICT
14145 HIGHWAY 94
JAMUL, CALIFORNIA 91935
(619) 669-1188 FAX (619) 669-1798

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NOV 30 2004

SAN DIEGO
COUNTY GRAND JURY

August 23, 2004

William Westlake, Foreman
Grand Jury
330 West Broadway, Suite 477
San Diego, Ca 92101-3830

Re: Response to "Is there a need for a Regional Fire Authority and Rescue Helicopter in San Diego County?"

Dear Mr. Westlake,

Below you will find the Fire Districts response to the Grand Jury's recommendations regarding the report titled above. First let me say that this report is so biased towards the implementation of a San Diego City based helicopter program (**I am in favor of a regional based helicopter program, as is the case with the Sheriff's program**) that it lacks any credibility. Further I find it to lack credibility as neither CDF, or US Forest Service are even listed as reference points in this report. This report is so highly slanted towards San Diego City that the casual reader could only be in favor of such a program, without all of the facts being presented.

A helicopter program will not replace the need for having firefighters on the ground. As it stands now the Fire Service in this County has worked diligently to come up with a plan for a regionalized fire agency. The obvious bottom line is funding this agency and where those funds will come from. I would also like to comment that when it comes to having a regional helicopter program it seems that there is no shortage of money to purchase, staff, and operate multiple air craft, however when we talk about ground resources and putting firefighters on the street there isn't a dollar to be found. I hope that community politicians have not placed the greater community at risk by backing and financially supporting a politically attractive program such as the one in this report. Please call me directly with any questions that you may have.

Sincerely,



David R. Nissen
Fire Chief

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DEC - 1 2004

SAN DIEGO
COUNTY GRAND JURY

William L. Westlake, Foreman
San Diego Grand Jury
P.O. Box 122724
San Diego, CA. 92112-2724

August 19, 2004

Re: Is There a Need for a Regional Fire Authority and Rescue
Helicopters in San Diego County

Mr. Westlake,

The Valley Center Fire Protection District is in favor of a Regional approach to fire protection in the County of San Diego and the idea of a Rescue Helicopter Program.

We do find it interesting that the true experts in both fire regionalization and firefighting helicopters, the California Department of Forestry & Fire Protection, was not interviewed by the Grand Jury. Nor do we see any information on one of the largest fire helicopter providers, the U.S. Forest Service.

As a cost saving measure, we would support a dual role helicopter program in conjunction with the San Diego County Sheriff's Department, (SDSO), and a combination of fire agencies rescue personnel, including the California Department of Forestry and Fire Protection, (CDF). Many do not realize that CDF provides such services state wide. The SDSO could utilize the fleet of helicopters on a daily basis for important law enforcement missions while the fewer fire and rescue missions could also be provided.

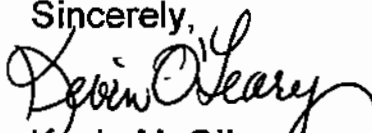
The exclusive use of any helicopter program in our County would not be cost effective. It is not uncommon to see a Sheriff helicopter from San Bernardino, L.A. and Ventura County at large fire incidents in this County under (assistance by hire) programs. Under mutual aid, the San Diego helicopters should be available to other jurisdictions under an (assistance by hire) program.

In closing, we believe that annual funding of the existing CDF helicopter should be San Diego County's first priority. This is not the case today. I understand that CDF and the USFS provided much of the initial training for the San Diego City fire helicopter personnel.

The following recommendations are listed:

- 04-01-1 Yes
- 04-01-2 No – It has not been determined per your report that S.D. City would run this program. The County of San Diego should seek the funding, not the City of San Diego.
- 04-01-3 Yes
- 04-01-4 Yes
- 04-01-5 Yes
- 04-01-6 No – The consultant has already chosen S.D. City to operate this program which should be discussed first. We recommend you talk to the experts in fire aviation, the CDF & USFS for operational issues.

Sincerely,


Kevin M. O'Leary
District Fire Chief



CITY OF LEMON GROVE

"Best Climate On Earth"

Fire Department

Jon Torchia
Fire Chief

Tim Laff
Deputy Fire Chief

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DEC - 7 2004

**SAN DIEGO
COUNTY GRAND JURY**

December 2, 2004

Grand Jury
County of San Diego
330 W Broadway, Suite 447
San Diego CA. 92101-3830

Re: The request to the City of Lemon Grove to respond to the 2003/04 San Diego County Grand Report entitled: *"Is There A Need For A Regional Fire Authority and Rescue Helicopter In San Diego County"*?

Dear Grand Jury:

Prior to July 1, 2004 the City of Lemon Grove contracted with the San Miguel Consolidated Fire Protection District for fire protection services. I have been informed by San Miguel's Fire Chief Larry Kinard that a response to your request was submitted to you prior to the June 8th deadline. Since San Miguel represented Lemon Grove during that period of time their response would also be Lemon Grove's.

Given that the City of Lemon Grove reinstated its Fire Department as of July 1 2004 the responses below would be the current view of the City.

04-01-2 Although the City of Lemon Grove does recognize that a Regional Helicopter Program is beneficial to many areas in the County. The City anticipated that the use of a helicopter within its jurisdiction would be minimal and that any agreements or request for financial support should be based on the Cities or District's benefits and needs.



- 04-01-3 The creation of a Regional Fire Authority is very complex and should be fully analyzed prior to its establishment. To expedite the formation of an Authority could prove too costly and inefficient.
- 04-01-4 If a Regional Fire Authority is instituted, the Board of Supervisors should allow them to develop their own priorities and to present them to the Board for further discussions.
- 04-01-5 The Board of Supervisors should identify funding from within the County before they approach other fire agencies. The remainder of the funding should be based on a formula where agencies that receive the most benefit or create the greatest need are responsible for a larger portion of financial support.

If you have any questions, please feel free to call me at 619-825-3835

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Torchia', with a stylized flourish at the end.

Jon Torchia
Fire Chief



City of La Mesa

FIRE DEPARTMENT

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MAY 19 2004

**SAN DIEGO
COUNTY GRAND JURY**

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MAY 18 2004

May 11, 2004

Grand Jury Response to
Presiding Judge of the Superior Court
330 W. Broadway
San Diego CA 92101-3830

As Fire Chief of La Mesa, I am responding to Grand Jury Report 2003/4-01 and commenting on the recommendations within the report. Prior to addressing the specific recommendations for which the Grand Jury requests comments, I must address a misleading statement in your report regarding the San Diego County Fire Chiefs' Association (SDCFCA) stance on this issue. Report 2003/4-01 states: *"The San Diego County Fire Chiefs' Association, representing the chiefs of these agencies, has sent letters to the San Diego County Board of Supervisors and SAFE (Service Authority for Freeway Emergencies) stating their unanimous support for the Regional Fire and Rescue Program."* That is not what the SDCFCA's letter said. Our Association's letter recognized the need for a regional fire/rescue helicopter program that is locally controlled and dedicated to fire/rescue services. The letter stated: *"the fire chiefs unanimously agree that the best approach to a responsible regional program is to employ the services of a professional consultant with expertise in developing firefighting helicopter programs to conduct a study."* The intent of the SDCFCA's letter was not to specifically endorse, or condemn the current program.

The SDCFCA's letter, dated November 19, 2003, to Chairman Cox and the County Board of Supervisors states: *"a regional approach will best address the myriad of challenges facing today's fire service."* There are many fire safety issues that require attention in San Diego County. There is a huge risk within the unincorporated areas of San Diego County. A regional air resource is only one factor to address the risk in many areas that may not have adequate funding to provide full-time, professional fire protection. Developing and funding ground resources (the resources we utilize everyday) in unincorporated areas are equally or more important to citizens living in those poorly protected areas.

A regional, dedicated, air firefighting resource is appropriate. Whether San Diego County agencies develop a new resource, or create an agreement with one of the many publicly owned helicopter programs (CDF, U.S. Forest Service, Sheriff, Military, etc), funding should be based on a formula that includes risk assessment. Many cities, such as La Mesa, Coronado, or Imperial Beach, do not have the same level of "risk" as other agencies with more high-rise buildings, or extensive urban/wildland interface.

Regarding La Mesa's required response to recommendations in Report 2003/4-01, the following is submitted:

04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire And Rescue Helicopter Program.

Answer:

La Mesa does not support this recommendation. We await completion of a study to determine the needs of the region and would participate in discussion to develop an appropriate funding mechanism that includes risk assessment for agencies within the region, as opposed to merely using population as the determining factor for cost allocation.

04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Answer:

A regional fire authority for the unincorporated areas of the County made up of fire districts, is an effective way to address the myriad of challenges facing these under funded departments. La Mesa supports developing a regional fire authority to address the significant problems in the under funded unincorporated areas of San Diego County. If successful, a regional authority's influence may spread to offer services to municipalities desiring full, or partial service.

04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Answer:

La Mesa does not support this recommendation. An impartial study is underway and should be completed prior to determining the number of air resources needed. Once the determination is made, developing a Regional Fire and Rescue Helicopter Program, or contracting with a current publicly operated air resource for "dedicated" fire/rescue services should be one of the first priorities. However, any

Grand Jury Response
May 11, 2004
Page 3

regional fire authority should look at the overall need of the jurisdiction and utilize their available funding to best serve the citizens within their district.

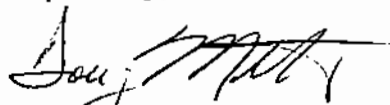
04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire And Rescue Helicopter Program.

Answer:

La Mesa agrees with this concept provided that the funding concepts include the risk element for each agency. Some agencies have a greater need for this type of resource. Greater risk may equal greater benefit to an agency if a funding methodology only looks at population. The unincorporated areas of the County and some cities generally have a much greater risk of wildfire. The City of San Diego clearly has a greater risk for high-rise incident usage. A funding mechanism would have to include a funding methodology to consider "risk", or cities such as La Mesa, who have never utilized an air resource for fire or rescue, would bear an unfair burden of funding this type of resource.

Respectfully,

A handwritten signature in black ink, appearing to read "Doug Matter", written over a horizontal line.

Doug Matter
City of La Mesa Fire Chief

NORTH COUNTY FIRE PROTECTION DISTRICT

315 East Ivy Street • Fallbrook, California 92028-2138 • (760) 723-2005 • Fax (760) 723-2003

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JUN 7 2004

May 25, 2004

Presiding Judge, Superior Court
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

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JUN 08 2004

SAN DIEGO
COUNTY GRAND JURY

Dear Judge:

This letter is provided in response to the Grand Jury Report entitled: "Is There A Need For a Regional Fire Authority and Rescue Helicopters in San Diego County". Further, this letter represents the formal response to the findings and recommendations from the North County Fire Protection District (NCF), as required by law. It should be noted that at no time was this agency or any of its personnel contacted by any representative of the Grand Jury. Our input, thoughts, or opinions were not sought and were not used in the creation of the report. Therefore, to the extent that the report is intended to represent a "county" issue, the portion of the county included within the boundaries of the North County Fire Protection District (Fallbrook, Bonsall, and Rainbow) is not represented.

Comments Concerning "Recommendations"

04-01-02 The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

NCF has not been contacted by any agency, either City or County, concerning the provision of financial support to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program. Since the recommendation places responsibility for this action on the City and the Board of Supervisors, we have no knowledge of when such contact may take place. The NCF Fire Chief currently serves on the Regional Helicopter Advisory Committee and, therefore, has been playing an active role in the provision of operational input on the operation of the existing helicopter program.

04-01-03 The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

This recommendation contains no information concerning either the purpose, function, or funding method for the proposed regional fire authority. Instead of creating the authority first and then deciding what to do with it later, NCF believes that it is more appropriate to carefully identify needs and potential solutions first. With a firm grasp of what needs to be done and what the options are, then we can proceed with implementing the solution that best addresses the identified needs. The proposed "regional fire authority" sounds like a solution in search of a need, rather than a carefully developed solution arising as the best approach to a very specific set of needs.

04-01-04 *The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.*

Given our knowledge of the issues and priorities facing the fire service in San Diego County, NCF does not believe that the first or most pressing priority is the establishment of a helicopter program with two or more helicopters. We completely concur with the recommendation of the San Diego County Fire Chiefs Association that a consultant should be retained to study the issues surrounding rotary wing firefighting resources in San Diego County. The study should address the issue of whether or not additional helicopter resources are required, what type of helicopter resources are appropriate, and how many helicopters are necessary to meet identified needs in the county. Until such time as the consultant's analysis is complete, a report and recommendations are submitted, and we have the opportunity to evaluate the results, it is premature to take a position that this is the single highest priority or that the right number of helicopters is "two or more". In any event, this recommendation calls for action by the Board of Supervisors and NCF has no authority or role in completing this recommendation.

04-01-05 *The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.*

This recommendation assumes the presence of both a Regional County Fire Authority and a Regional Fire and Rescue Helicopter Program. As stated elsewhere in this document, NCF is not yet convinced that either a Regional County Fire Authority or a helicopter program is the magic solution to the fire service issues in San Diego County. The focus of this recommendation appears to be on local fire agencies paying for the authority and the helicopter. In the absence of any justification for the creation of the Authority, NCF is hard-pressed to justify paying for it. As far as paying for the helicopter program, it needs to be said that for the most of the unincorporated areas of the county, it is the responsibility of the California Department of Forestry and Fire Protection to provide the necessary resources to prevent and suppress wildland fires. While those of us in local fire districts work closely with CDF, it is their ultimate responsibility to make sure that the job is done. By the cities, the county, or the fire departments creating and

Presiding Judge, Superior Court
May 5, 2004
Page 3

funding a separate helicopter program, we are – literally – letting CDF off the hook. We are allowing them – even encouraging them – to not provide the necessary helicopter resources that we all acknowledge is needed. It seems to be an extraordinary oversight on the part of the Grand Jury to not include any recommendations related to applying pressure to CDF to meet their already-established responsibility. Until NCF is convinced that the responsible agencies are meeting their responsibilities, we will be hesitant to contribute our funding to provide a service that is not our responsibility.

The North County Fire Protection District is committed to working cooperatively to address the needs of the fire service in San Diego County. However, we do not agree with the priorities or the methods proposed by the Grand Jury. Please feel free to contact us at any time if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Metcalf", written over a horizontal line.

Bill Metcalf
Fire Chief/CEO



City of Carlsbad

Fire Department

RECEIVED

JUN 08 2004

SAN DIEGO
COUNTY GRAND JURY

June 8, 2004

Presiding Judge of the Superior Court
Grand Jury of the County of San Diego
Hall of Justice
333 West Broadway, Suite 477
San Diego, California 92101-3830

Re: Response to the San Diego County Grand Jury Report Entitled, "Is There A Need For A Regional Fire Authority And Rescue Helicopters In San Diego County?"

The San Diego County Grand Jury issued a report entitled, "Is There A Need For A Regional Fire Authority And Rescue Helicopters In San Diego County?" The Carlsbad Fire Department is named as a Responding Agency and is required to submit to the Presiding Judge of the Superior Court by June 8, 2004, written comments to the Grand Jury Report Findings and Recommendations. As a named Responding Agency, the following represents the written response from the Carlsbad Fire Department.

Grand Jury Findings

Grand Jury Finding One

County Copter One, operated by San Diego Fire-Rescue, has been in service for two years and has been funded by the City of San Diego.

Grand Jury Finding Two

The County Copter One program provides 53 San Diego County fire agencies with services that are comprehensive, year round and not duplicated by any other single resource in the County. Based on similarly sized counties, there should be two or more helicopters in the program.

Grand Jury Finding Three

County Copter One transported the "first strike," wildfire ground team, known as the Sycuan Golden Eagle Hotshot Crew, for insertion at fire scenes across the County.

Grand Jury Finding Four

County Copter One can deliver a 375-gallon water/retardant drop and can carry additional tools or replacement equipment to remote areas.



Grand Jury Finding Five

A fire/rescue helicopter hoist could be used for high-rise building victim extraction during fires or life-threatening emergencies.

Grand Jury Finding Six

The proposed helicopter(s) should be classified as Advanced Life Support Rescue Aircraft. This classification requires a minimum of two (2) trained and qualified aircrew members and one flight paramedic responding with the helicopter to all air supported emergency incidents.

Grand Jury Finding Seven

The privately operated air ambulance, Mercy Air, has an MOU with the Fire and Rescue Helicopter Program that provides a review process after each incident assuring that all appropriate measures were carried out.

Grand Jury Finding Eight

Many public agencies, task forces and others support the need for a Regional Fire and Rescue Helicopter Program.

Grand Jury Finding Nine

The San Diego County Fire Chiefs Association recommended to the Board of Supervisors that a professional consultant be utilized to conduct a study to examine helicopter firefighting requirements in San Diego County, as well as recommend the level of needed protection, how to achieve that level of protection and the necessary funding.

Carlsbad Fire Department Response

The Carlsbad Fire Department agrees with Grand Jury Finding Numbers One through Nine, and adds the following to Grand Jury Finding Number Two: There are existing helicopter programs currently operating within the County of San Diego that provide a portion of the services that are provided by County Copter One.

Grand Jury Recommendations

Grand Jury Recommendation 04-01-02

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the County to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Carlsbad Fire Department Response

The City of San Diego and the County of San Diego have recently set aside monies to interimly fund the continuing operation of the existing County Copter One Fire and Rescue Helicopter and to interimly fund the operation of a second Regional Fire and Rescue Helicopter for the upcoming fire season. This does not preclude the City or the County from seeking funding from other cities to replace those interim monies. Several cities in the County, including Carlsbad, already participate in a cooperative agreement with County Copter One operator, City of San

Diego Fire Department, to periodically provide free-of-charge Firefighter/Paramedics to staff County Copter One. Carlsbad currently does not provide direct funding for County Copter One.

Any developed financial commitment formula for interim operation of Fire and Rescue Helicopters needs to take into consideration the current and future use of individual fire agency personnel to staff the Regional Fire and Rescue Helicopter Program. Further, any financial commitment by the City of Carlsbad to support interim funding for services by County Copter One and/or the second Regional Fire and Rescue Helicopter is a City Council policy decision.

Grand Jury Recommendation 04-01-03

The Grand Jury recommends that the San Diego County Board of Supervisors, in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies, expedite the creation of a Regional Fire Authority.

Carlsbad Fire Department Response

The Grand Jury report does not identify the scope or jurisdiction of the Regional Fire Authority. In the context of the recent actions taken by the Board of Supervisors, the currently identified jurisdiction of the Regional Fire Authority would be to provide fire protection services only in the unincorporated areas of San Diego County. We support the Board of Supervisors' actions in taking responsibility for fire protection services in the unincorporated areas of San Diego County. However, it is uncertain that the Regional Fire Authority referred to in the Grand Jury Report is what some County officials envision when they are discussing the consolidation of rural, unincorporated County fire districts. It is difficult for policymakers to weigh in on the creation of a Regional Fire Authority while its jurisdiction and scope of services remain undefined. We therefore cannot comment on the creation of a Regional Fire Authority that may place controls or mandates upon individual fire agencies within the region.

However, the formation process of the Regional Fire Authority seems to already be underway. The San Diego County Board of Supervisors has established the Fire and Life Safety Helicopter Operating Council and appears to be working to mature this Council into a Regional Fire Authority.

Grand Jury Recommendation 04-01-04

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a Regional Fire Authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Carlsbad Fire Department Response

The City of San Diego retained Conklin & de Decker as a consultant to provide in-depth research and recommendations regarding the necessity, number, placement and location of dedicated, regional, Fire/Rescue Helicopters. Shortly after their retention, the County of San Diego provided supplemental funding for the consultant study. The consultant has recently reported to the Fire and Life Safety Helicopter Operating Council their recommendation for the permanent acquisition and year round staffing of three (3) dedicated, regional Fire/Rescue Helicopters. The Carlsbad Fire Department concurs with the consultant's findings and recommendations. The Fire and Life Safety Helicopter Operating Council views the acquisition and operation of a

Regional Fire Helicopter Program as an appropriate goal for the region. An analysis of pre-established or existing methods that could operate and manage a Regional Helicopter Program is both necessary and warranted in order to minimize additional layers of government while improving fire service within the region.

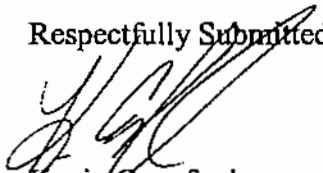
Grand Jury Recommendation 04-01-05

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Carlsbad Fire Department Response

Funding a Regional Fire and Rescue Helicopter Program will require cooperation at all levels of government. This recommendation relates specifically to fire agencies. There may be other viable funding sources beyond fire agencies. The Board of Supervisors has recently teamed with LAFCO to identify funding sources. A variety of funding formulas will be explored. Some of those formulas will be acceptable, others will not. Any developed financial commitment formula needs to take into consideration the current and future use of individual fire agency personnel to staff the Regional Fire and Rescue Helicopter Program. As the process unfolds, the Carlsbad City Council will make policy decisions regarding proposed funding scenarios.

Respectfully Submitted,



Kevin Crawford
Fire Chief



Victor L. Reed
Fire Chief
Escondido Fire Department
201 North Broadway, Escondido, CA 92025
Phone: 760-839-5401 Fax: 760-739-7060
E-mail: vreed@ci.escondido.ca.us

RECEIVED

JUN 8 2004

June 7, 2004

Honorable John Einhorn
Presiding Judge of the Superior Court
220 W. Broadway
San Diego, CA 92101-3888

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JUN 09 2004

SAN DIEGO

Re: San Diego Grand Jury 2003-2004 Report: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"

Dear Judge Einhorn:

On March 10, 2004, a Grand Jury report entitled "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?" was released to the public by the San Diego County Grand Jury. Pursuant to California Penal Code §933.05(c), the City of Escondido provides this comment within 90-days of the date of the Grand Jury Report.

The Grand Jury is correct in its findings that there is no program in San Diego County that can provide the same year round comprehensive services that County Copter 1 provides at this time. There are in fact multiple programs that one can access for helicopter services in various areas from firefighting to medical transport and some technical rescue, but none have the total capabilities of County Copter 1. In addition, each separate service comes with different operational policy, protocols, or notification procedures.

Additionally, the Grand Jury notes the lack of a valid regional fire authority that can effectively operate a Regional Fire and Rescue Helicopter Program as recommended. The San Diego County Fire Chiefs Association has recommended to the County Board of Supervisors that just such an authority be considered, and that the helicopter program be one of many programs falling within their oversight.

Grand Jury recommendation 04-01-2 recommends that both the County Board of Supervisors and the City of San Diego work to develop cooperative agreements with local cities and fire districts to secure funding for the helicopter program. The City of Escondido partially disagrees with the recommendation of the Grand Jury. We find it premature in nature prior to finalization of the consultant reports and unmindful of the fiscal constraints now affecting local government.

The Grand Jury has rightly observed in their report that there are budget constraints at all levels of government. While funding options are critical for program implementation making this recommendation warranted, the City of Escondido like many cities is currently operating at the expense of our economic uncertainty reserves and would find it impossible to incur new program

expenses of any kind without additional new revenue sources to meet the fiscal impacts associated with the proposed new program.

Additionally, much of the area existing as open space and susceptible to large wild land fires falls within unincorporated areas. Many of these fires are directly or indirectly impacting cities within San Diego County. Many cities have developed, funded and staffed fire agencies within their jurisdictions, and have provided those firefighting forces to many of the rural areas on an annual basis, sometimes at great expense. The City of Escondido feels that the County of San Diego has not provided an adequate share of revenue for firefighting within San Diego County. Any analysis of funding a regional helicopter program must strongly consider the percentage of risks associated with each agency and their need for such a resource.

Both the County and City of San Diego have opened dialogue with an appointed group representing City Managers and Fire Chiefs from area cities. Missing from this group is representation from local fire districts which will be potentially impacted by this recommendation. The group is awaiting two reports: one from Conklin & de Decker Associates Inc., referencing the need for a Regional Fire Rescue Helicopter Program; and another from the Governors Blue Ribbon Commission appointed to review and provide recommendations, referencing the fire siege experienced in Southern California during the fall of 2003.

Grand Jury recommendation 04-01-3 recommends that the San Diego County Board of Supervisors, in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies, expedite the creation of a regional fire authority.

The City of Escondido partially disagrees with the Grand Jury recommendation. While there may be savings in the concept of a regional approach to fire services, the formation of such an entity from so many diverse and severely ill funded agencies already in existence lends itself to a measured and unexpedited approach. Adequate funding must first be secured for a regional fire authority representing the unincorporated areas to assure cities that dilution of their fire service tax dollars does not occur.

Grand Jury recommendation 04-01-4 recommends that the San Diego County Board of Supervisors' first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

The City of Escondido partially disagrees with the recommendation of the Grand Jury. If the main focus of a Regional Fire Authority is to only administer a helicopter program then the Grand Jury recommendation is appropriate. However, owing to the fact that many unincorporated areas are currently under staffed and unprepared to serve the public at an adequate level of fire/rescue and emergency medical service in a majority of their responses does not support the priority given to this recommendation. Rather, a newly formed regional authority should be given leeway to establish priorities based on professional staff working closely with their elected body.

June 7, 2004

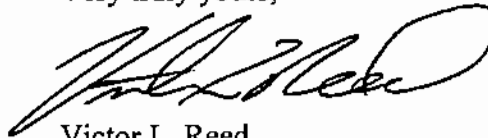
Page 3

Grand Jury recommendation 04-01-5 recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage and operate a Regional Fire and Rescue Helicopter Program.

Again the City of Escondido must partially disagree with the Grand Jury recommendation. We would refer to our response for recommendation 04-01-2.

In summary, the City of Escondido feels the Grand Jury report to be pre-mature in some recommendations, yet does not completely disagree with any of the recommendations. The City feels a measured approach is the best way to proceed and that the County of San Diego must provide adequate revenues to the existing fire service problem and the formation of a Regional Fire Authority for the unincorporated communities in San Diego County.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor L. Reed", with a large, stylized loop at the end.

Victor L. Reed
Fire Chief

VLR:bc

cc: Grand Jury for the County of San Diego



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

FIRE ADMINISTRATION
(619) 258-4100, EXT. 207
FAX (619) 562-6514

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JUN 8 2004

June 7, 2004

Presiding Judge of the Superior Court
Grand Jury
County of San Diego
Hall of Justice
330 W. Broadway
San Diego CA 92101-3830

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JUN 09 2004
SAN DIEGO
COUNTY GRAND JURY

SUBJECT: Responses to Recommendations Grand Jury Report entitled: "Is There A Need For a Regional Fire Authority And Rescue Helicopters In San Diego County?"

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response:

Santee Fire Department does not support this recommendation. We support the City and County of San Diego in their current effort to maintain interim operation of the Regional Fire and Rescue Helicopter Program by voluntarily providing staffing assistance. We await the completion of the independent Conklin & de Decker Associates, Inc. consultant study to analyze their conclusions on the needs of the region prior to consideration of any binding agreements.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Response:

Santee Fire Department does not support this recommendation without LAFCO first completing their regional needs assessment study and municipal services review. Santee does support participation in the LAFCO studies and participation in regional solutions to identified deficiencies.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:


Santee Fire Department does not support this recommendation as it is written. Santee supports regional solutions to the Fire and Life safety needs of the county. As previously stated, we await the helicopter consultant and LAFCO studies prior to taking a position on a proposed regional fire authority and its priorities. Furthermore, it is our opinion that the operation of at least one year round fire and rescue helicopter is a priority; however, there may be higher priorities in this region including an adequate number of staffed and equipped fire stations in the unincorporated areas of the county.

Recommendation 04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Response:

Santee Fire Department does not support this recommendation. Santee does support all governmental agencies working together to identify regional needs, efficiencies, and funding solutions. Again, we believe the information from the impartial helicopter consultant study and LAFCO's proposed work needs to be considered before Santee can take a responsible position on the need for a Regional County Fire Authority.


Bob Pfohl,
Fire Chief

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June 7, 2004

JUN 09 2004

Presiding Judge of the Superior Court
330 W. Broadway
San Diego CA 92101-3830

**SAN DIEGO
COUNTY GRAND JURY**

Responses to the Grand Jury Report entitled "Is There A Need Fore A Regional Fire Authority And Rescue Helicopters In San Diego County?" Recommendations

**Solana Beach and Del Mar Fire Departments
Prepared by David Ott, Fire Chief**

Re: Grand Jury Report entitled: "Is There A Need For a Regional Fire Authority And Rescue Helicopters In San Diego County?"

Recommendation 04-01-1

The Grand Jury recommends the San Diego Regional Fire and Rescue Helicopter Program should continue its current operation until a regional fire authority is formed.

Response:

The Del Mar and Solana Beach Fire Departments are not prepared to support this recommendation in its entirety at this time. The Del Mar and Solana Beach Fire Departments do not object to the San Diego Regional Fire and Rescue Helicopter Program being continued in its current delivery method, however, the Del Mar and Solana Beach Fire Departments do not support the program being continued until a regional fire authority is formed as explained in response to recommendations 04-01-3; 04-01-4; & 04-01-5.

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response:

The Del Mar and Solana Beach Fire Departments are not prepared to support this recommendation at this time. We support the City and County of San Diego in their effort's to maintain interim operation of the Regional Fire and Rescue Helicopter Program. We will await the completion of the independent Conklin & de Decker Associates, Inc. consultant study to analyze their conclusions on the needs of the region prior to consideration of any formal cooperative agreements.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Response:

The Del Mar and Solana Beach Fire Departments are not prepared to support this recommendation at this time. The Del Mar and Solana Beach Fire Departments recommend that LAFCO initiate and complete a regional fire needs assessment study and fire services needs review for the region with a specific emphasis on the unincorporated areas. The Del Mar and Solana Beach Fire Departments do support participation in such a LAFCO study to identify any problems and potential solutions to any identified deficiencies.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:

The Del Mar and Solana Beach Fire Departments support regional solutions to any fire and life safety needs of this region. As previously stated, the Del Mar and Solana Beach Fire Departments await the helicopter consultant and LAFCO studies prior to taking a position on a proposed fire and rescue helicopter program or a regional fire authority. It is opinion of the Del Mar and Solana Beach Fire Departments that the operation of a year round fire and rescue helicopter is a priority within this region; however, there may be higher priorities in this region including an adequate number of staffed and equipped fire stations and apparatus in the unincorporated areas of the county.

Recommendation 04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Response:

The Del Mar and Solana Beach Fire Department's do not currently support this recommendation as written. The Del Mar and Solana Beach Fire Departments do support all applicable governmental agencies working together to identify regional needs, efficiencies, and funding solutions. Again, we believe the information from the impartial helicopter consultant study and LAFCO's proposed study needs to be completed and analyzed before Del Mar or Solana Beach can take a responsible position on the need for a Regional County Fire Authority.

Recommendation 04-01-6

The Grand Jury recommends that the San Diego County Board of Supervisors consider the recommendations from the professional consultant contracted by the City of San Diego, in cooperation with the San Diego County Fire Chiefs Association, to determine the specifications for the fire / rescue helicopter(s).

Response:

The Del Mar and Solana Beach Fire Departments do support this recommendation.

A large, stylized handwritten signature in black ink, appearing to read 'David Ott', with a long horizontal stroke extending to the right.

David Ott

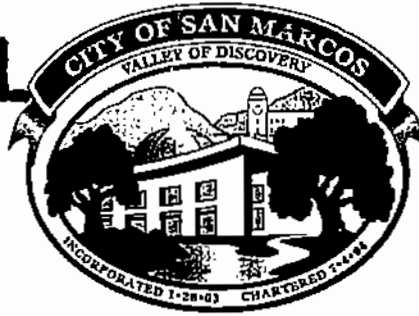
*City of Solana Beach Director of Public Safety/Fire Chief
City of Del Mar Fire Chief*



09101+39300



ORIGINAL



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1 Civic Center Drive
San Marcos, CA 92069-2918

JUN 09 2004
Telephone
SAN DIEGO 619.744.1050
COUNTY GRAND JURY

June 2, 2004

Presiding Judge
County of San Diego Grand Jury
Hall of Justice
330 West Broadway, Suite 477
San Diego, Ca 92101-3830

Re: Response to Recommendations Regarding Grand Jury Report - "Is there a need for a regional fire authority and rescue helicopters in San Diego County?"

Enclosed, please find comments from the City of San Marcos and San Marcos Fire Protection District relative to the above mentioned Grand Jury Report.

Recommendation 04-01-1

The Grand Jury recommends the San Diego Regional Fire And Rescue Helicopter Program should continue its current operation until a regional authority is formed.

With no funding mechanisms in place, many of the smaller fire agencies have voluntarily provided personnel services to this program, absorbing these costs within their current operating budgets. Due to a number of factors including the States continued raid on local revenues, San Marcos is not in position to provide personnel services towards the current program without a guaranteed funding source.

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response:

San Marcos does not support this recommendation. As stated above, funding restrictions combined with other local public safety needs makes it impossible for our agency to provide financial support for this program. We await the completion of the independent Conklin & de Decker Associates, Inc. consultant study to analyze their conclusions on the needs of the region prior to consideration of any binding agreements.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

CITY COUNCIL:

F.H. "Corky" Smith, Mayor Mike Preston, Vice-Mayor Pia Harris-Ebert Hal Martin Lee B. Thibadeau

Response to Grand Jury Report: "Is there a need for a regional fire Authority and Rescue Helicopters in San Diego County?"

Response:

San Marcos does not support this recommendation. There is a tendency to believe that bigger means better and that has not always proven to be the case. Prior to discussion of a regional fire authority, a non-biased detailed analysis of the level of efficiency, and cost effectiveness needs to be conducted on the various fire operations within the county.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:

San Marcos does not support this recommendation as it is written. San Marcos supports regional solutions to the fire and life safety needs of the County as that have been successfully undertaken with the Hazardous Incident Response Team (HIRT). To set the regional helicopter as the first priority of a proposed regional fire authority seems premature without first identifying if a regional fire authority is needed, and also identifying all of the potential regional fire safety needs. Clearly, the most pressing regional need is an adequate number of staffed and equipped fire stations within the unincorporated area of the county so that local resources will not be required to provide the bulk of fire suppression resources when a major fire occurs.

Recommendation 04-01-5

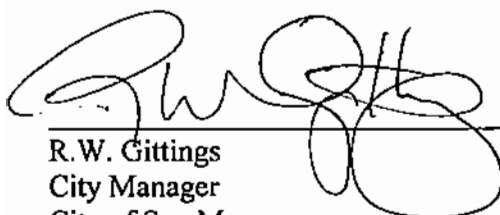
The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

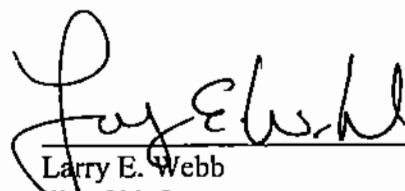
Response:

San Marcos does not support this recommendation. San Marcos does support all governmental agencies working together to identify regional needs, efficiencies, and funding solutions. However, with that said, San Marcos believes that services are best delivered and most cost effective when provided from a local foundation. It was the basis of incorporation in 1963, and was further substantiated by becoming a Charter City in 1994.

The comparison of what is provided locally, versus the quality, costs and services that would be provided regionally needs to be defined before San Marcos would consider giving up local control over such a vital service. Additionally, the term "regionalization" has taken on many meanings. It appears that this needs to be clarified, especially the cost of regionalization to the local taxpayer who may be asked to support services in another geographic area.

Respectfully Submitted,


R.W. Gittings
City Manager
City of San Marcos


Larry E. Webb
Fire Chief
San Marcos Fire Protection District

CITY COUNCIL:

F.H. "Corky" Smith, Mayor Mike Preston, Vice-Mayor Pia Harris-Ebert Hal Martin Lee B. Thibadeau



THE CITY OF SAN DIEGO

RECEIVED

MAY 20 2004

May 14, 2004

Presiding Judge, Superior Court
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RECEIVED

MAY 20 2004

SAN DIEGO
COUNTY GRAND JURY

Dear Sir:

Attached is the City of San Diego response to the recommendations contained in the March 3, 2004, Grand Jury Report entitled: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"

Should you have any questions or issues with our response, please contact me at (619) 533-4401.

August F. Ghio
Assistant Fire Chief
San Diego Fire-Rescue Department



Fire and Life Safety Services

1010 Second Avenue, Suite 400 • San Diego, CA 92101

Tel (619) 533-4300

**San Diego County Grand Jury Responses to Recommendations
City of San Diego Response
May 14, 2004**

Recommendation 04-01-1

The Grand Jury recommends the San Diego Regional Fire and Rescue Helicopter Program should continue its current operation until a regional fire authority is formed.

San Diego City agrees with the finding.

This recommendation has been implemented.

The City of San Diego, in partnership with the County of San Diego and the Service Authority for Freeway Emergencies (SAFE), have collectively made funding available to continue the contract with Kachina-Helijet Aviation to provide fire and rescue helicopter services throughout the region. The one-year contract with Kachina-Helijet will end on June 24, 2004. The San Diego Fire-Rescue Department is scheduled on the City Council docket for May 11, 2004 to request approval for contract renewal with Kachina-Aviation. Once approved, the renewed contract period with Kachina-Helijet Aviation would begin on June 25, 2004, and continue for a minimum of 180 days.

In February 2004, the County Board of Supervisors approved and established a Fire and Life Safety Helicopter Operating Council. The purpose of the Operating Council is to "after completion of Phase II of the county-wide study to determine the needs of a regional fire-rescue helicopter program with appropriate recommendations to acquire and operate a fire and life safety helicopter within the County of San Diego." It is expected that the Operating Council will develop and present its recommendations to the County Board of Supervisors by June 30, 2004. Until that time, the San Diego Fire-Rescue Department will continue to manage and operate the existing Regional Fire and Rescue Helicopter program.

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

San Diego City agrees with the finding.

The recommendation requires further analysis.

A meeting of the San Diego County and City Managers Association (CCMA) was held in December 2003 to discuss possible funding mechanisms that would ensure that a full-time fire and rescue helicopter program would be available throughout the San Diego County region. One

of the possible funding mechanisms that were discussed included the development of a County Joint Powers Agreement (JPA). It was suggested that the San Diego County Hazardous Materials Response Team (HIRT) funding formula may serve as a model for a countywide air operations program.

No decisions were made at this meeting. The fiscal challenges that currently exist for each city, fire district and the county coupled with the unknown nature of the State of California upcoming budget, made it extremely difficult, if not impossible, for each entity to commit to fiscally supporting a regional fire and rescue helicopter program at that time. A subcommittee of CCMA was identified at this meeting. The subcommittee was tasked with gathering additional information and to make recommendations to be presented to the full CCMA membership at a later date.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

San Diego City has not formed an opinion on this recommendation.

The recommendation requires further analysis.

City of San Diego Mayor Murphy and County Supervisor Greg Cox established the San Diego regional Fire Prevention and Emergency Preparedness Task Force in December 2003. The goal of the Task Force is "To provide a forum for representatives of all public safety disciplines to review, discuss and develop proposals for all risk service enhancements in the San Diego region". LAFCO representatives are members of the Task Force and provide updated information on the status of the development of a regional fire authority. It is anticipated that this may be a long term objective for the County of San Diego.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year-round Regional Fire and Rescue Helicopter Program with two or more helicopters.

San Diego City agrees with the finding.

With the establishment of the Fire and Life Safety Helicopter Operating Council this recommendation should be achievable within the next fiscal year. Funding has been approved by the County Board of Supervisors for the procurement of a helicopter. The City of San Diego and the County Board of Supervisors are developing draft budget recommendations for the operation and maintenance of the regional helicopter program. The City of San Diego is continuing pursuit of grants, sponsors and donations for the program.

Recommendation 04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

San Diego City agrees with the finding.

This recommendation may be implemented in the future.

The City of San Diego is participating on the San Diego Regional Fire Prevention and Emergency Preparedness Task Force and the Fire and Life Safety Helicopter Operating Council in pursuit of this objective. Both groups should complete their respective reports by July 2004.

Recommendation 04-01-6

The Grand Jury recommends that the San Diego County Board of Supervisors consider the recommendations from the professional consultant contracted by the City of San Diego, in cooperation with the San Diego County Fire Chiefs' Association, to determine the specifications for the fire/rescue helicopter(s).

San Diego City agrees with the finding.

This recommendation has been implemented.

The City of San Diego and the County of San Diego have partnered in the contracting of Conklin & de Decker, Aviation Information, to study our regional fire and rescue helicopter needs and develop recommendations. Phase I of the study was completed and Phase II should be finalized by June 30, 2004. The specifications for a fire/rescue helicopter will be developed once the information is available from the consultant and the recommendations of the Operating Council are approved.



Assignment Information Manager

City of San Diego, Office of the City Manager
 Assignment Form

FIRE & LIFE SAFETY SERVICES
 OFFICE OF THE FIRE CHIEF

District Concerned
 N/A

To be completed by the Tracking System Coordinator (TSC) only

Assignment No.
 04-0083

Originator
 Grand Jury
 County of San Diego

Assigned to
 Jeff Bowman
 Fire Chief

Date Assigned March 10, 2004

Due Date May 07, 2004

Description
 Report by the County Grand Jury issues on March 10, 2004, "Is There A Need For A Regional Fire Authority and Rescue Helicopters In San Diego County?" Please review and comment.

Comments
 Note: Report due to the Manager in 60 days, with floppy disk for his review. Deadline for report to be filed in Superior Court is June 8, 2004.

Supervised By P. Lamont Ewell

- ☐ Prepare response for _____ signature
- ☒ Reply directly to originator and copy Judy Stone at MS 9A or fax 236-6067
- ☐ Prepare response (your signature)
- ☐ Take necessary action
- ☐

Additional Instructions

To be completed below by dept and forwarded to Judy Stone at M.S. 9A, Fax 236-6067

Response attached (date completed) MAY 14, 2004

Handled by phone/e-mail/in person by (name) August Chio (date) 5-14-04 (phone) 34401

Unable to complete response by due date request extension from Judy Stone at 236-5941

Comments _____

Unfunded ☐ Project cost

For City Manager's Office use, do not fill in

Completed <input type="checkbox"/>	Extension requested <input type="checkbox"/>	Returned to assignee <input type="checkbox"/>	Committee follow-up <input type="checkbox"/>	Council follow-up <input type="checkbox"/>
Date Completed <input type="text"/>	Previous due date <input type="text"/>	Previous due date <input type="text"/>	Which Committee <input type="text"/>	Who raised the item <input type="text"/>
			Date generated <input type="text"/>	Date generated <input type="text"/>



GRAND JURY

County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707 Fax (619) 515-8696

Thomas E. McCarthy, Foreman

March 3, 2004

COPY
RECEIVED

MAR 8 2004

City Manager

CONFIDENTIAL

San Diego County Board of Supervisors
County Administration Center
1600 Pacific Highway, Room 335
San Diego, CA 92101

San Diego City Council
City Administration Building
202 C Street, 10th Floor
San Diego, CA 92101

Mr. Michael Ott, Executive Director
San Diego Local Agency Formation Council
County Administration Center
1600 Pacific Highway, Room 452
San Diego, CA 92101

Honorable Dick Murphy, Mayor
City of San Diego
City Administration Building
202 C Street, 11th Floor
San Diego, CA 92101

See Attached Mailing List
of Fire Departments

**Re: Grand Jury Report entitled: "Is There A Need For a Regional Fire
Authority And Rescue Helicopters In San Diego County?"**

Dear Ladies and Gentlemen:

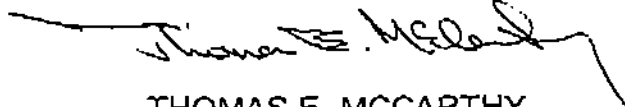
The 2003-2004 San Diego County Grand Jury herewith provides the referenced report for your review and comment to the Presiding Judge of the Superior Court in compliance with the Penal Code of California §933(c). This report was prepared pursuant to §§925, 925a, 928 and 933.5 of the Penal Code.

In accordance with Penal Code §933.05(e), a copy of this report is being provided to affected agencies two working days prior to its public release and after being approved by the Presiding Judge of the Superior Court.

Please note that §933.05(e) specifies that no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release. This report will be filed with the Clerk of the Court and released to the public on Wednesday, March 10, 2004.

Sincerely,

2003-2004 SAN DIEGO COUNTY GRAND JURY

A handwritten signature in black ink, appearing to read "Thomas E. McCarthy", with a long horizontal line extending to the left and a vertical line extending downwards to the right.

THOMAS E. MCCARTHY
Foreman

TEM///ln
enc.

Attached Mailing List

Larry Kinard, Fire Chief
Alpine Fire Department
1834 Alpine Blvd.
Alpine, CA 91901-2107

Scott Walker, Fire Chief
Bonita Fire Department
4900 Bonita Road
Bonita, CA 91902-1725

Gary Adams, Fire Chief
Borrego Springs Fire Department
P.O. Box 898
Borrego, CA 92004-0898

Kevin Crawford, Fire Chief
Carlsbad Fire Department
2560 Orion Way
Carlsbad, CA 92008-7240

Douglas Perry, Fire Chief
Chula Vista Fire Department
447 F. Street
Chula Vista, CA 91910-2216

John Traylor, Fire Chief
Coronado Fire Department
1001 6th Street
Coronado, CA 92118

Charles Maner, Fire Chief
Deer Springs Fire Department
8709 Circle R Drive
Escondido, CA 92026-5802

Jack Gosney, Fire Chief
Del Mar Fire Department
2200 Jimmy Durante Blvd
Del Mar, CA 92014-2216

Darrell Jobes, Fire Chief
East County Fire Department
1811 Suncrest Blvd.
El Cajon, CA 92021-4246

Ed Jarrell, Fire Chief
El Cajon Fire Department
100 E. Lexington Ave.
El Cajon, CA 92020-4517

Donald Heiser, Fire Chief
Encinitas Fire Department
505 S. Vulcan Ave.
Encinitas, CA 92024

Victor Reed, Fire Chief
Escondido Fire Department
201 N. Broadway
Escondido, CA 92025-2709

Frank Sotelo, Fire Chief
Imperial Beach Fire Department
865 Imperial Beach Blvd.
Imperial Beach, CA 91932-2702

Pat Fauble, Fire Chief
Jacumba/Rural Fire Department
P.O. Box 464
Jacumba, CA 91934-0464

Kevin Dubler, Fire Chief
Julian Cuyamaca Fire Department
P.O. Box 33
Julian, CA 92036-0033

Doug Matter, Fire Chief
La Mesa Fire Department
8054 Allison Ave.
La Mesa, CA 91941-5001

Paul Stein, Fire Chief
Lakeside Fire Protection District
12365 Parkside Street
Lakeside, CA 92040-3006

Kevin Eggleston, Fire Chief
Lemon Grove Fire Department
7853 Central Ave.
Lemon Grove, CA 91945-2541

Attached Mailing List

Charles Andrews, Fire Chief
Lower Sweetwater Fire Protection District
2711 Granger Ave.
National City, CA 92050

Randy Kimble, Fire Chief
National City Fire Department
333 E. 16th Street
National City, CA 91950-4507

William Metcalf, Fire Chief
North County Fire Protection District
315 Ivy Street
Fallbrook, CA 92928-2138

Robert Osby, Fire Chief
Oceanside Fire Department
300 N. Coast HWY
Oceanside, CA 92054

Fred Cox, Fire Chief
Pine Valley Fire Protection District
P.O. Box 130
Pine Valley, CA 91962

Mark Sanchez, Fire Chief
Poway Fire Department
13050 Community Road
Poway, CA 92064

James Garrett, Fire Chief
Ramona Fire Protection District
2249 Jamacha Road
El Cajon, CA 92019

Erwin Willis, Fire Chief
Rancho Santa Fe Fire Department
P.O. Box 410
Rancho Santa Fe, CA 92067

David Nissen, Fire Chief
San Diego Rural Fire Protection District
14145 HWY 94
Jamul, CA 91935

Larry Webb, Fire Chief
San Marcos Fire Department
1 Civic Center Drive
San Marcos, CA 92025-4906

Larry Kinard, Fire Chief
San Miguel Consul Fire Protection District
2850 Via Orange Way
Spring Valley, CA 91978-1746

Jeff Bowman, Fire Chief
San Diego Fire-Rescue Department
1010 Second Avenue, Ste. 400
San Diego, CA 92101

Bob Pfohl, Fire Chief
Santee Fire Department
10601 N. Magnolia Ave.
Santee, CA 92071-1266

George George, Fire Chief
Solana Beach Fire Department
500 Lomas Santa Fe
Solana Beach, CA 92075-1333

Kevin O'Leary, Fire Chief
Valley Center Fire Protection District
28234 Lilac Road
Valley Center, CA 92082

Dwight VanZanen, Fire Chief
Vista Fire Department
175 N. Melrose Drive
Vista, CA 92083

Kevin O'Leary, Fire Chief
Yuima Water District
28234 Lilac Road
Valley Center, CA 92082

**IS THERE A NEED FOR A REGIONAL FIRE
AUTHORITY AND RESCUE HELICOPTERS IN
SAN DIEGO COUNTY?**



**A Report by the
San Diego County Grand Jury 2003-2004
March 10, 2004**

IS THERE A NEED FOR A REGIONAL FIRE AUTHORITY AND RESCUE HELICOPTERS IN SAN DIEGO COUNTY?

In July 2003, the first month in its term, the San Diego County Grand Jury began an investigation into the need for a Regional Fire and Rescue Helicopter Program and a Regional Fire Authority to support it. The Grand Jury was in the final stages of the investigation when Firestorm 2003 occurred. We are fully aware that other organizations have undertaken investigations and are making recommendations relevant to this issue. Nevertheless, the Grand Jury believes that issuing this report now will best serve the citizens of San Diego rather than to wait until all the ongoing investigations are completed.

SUMMARY

Several years ago, the San Diego Fire - Rescue Department recognized the potential value of a large, well-equipped helicopter for public safety. They took the initiative to secure both public and private funding which allowed the leasing of a Bell 212 HP helicopter for trial programs during the 2002 and 2003 fire seasons; the aircraft was designated *County Copter 1*. A 90-day pilot program was run in 2002 and a longer program took place in 2003. The goal of the program was to provide a helicopter with multi-mission capabilities for responses to firefighting and rescue incidents.

Before the programs with *County Copter 1*, the California Department of Forestry (CDF), the Sheriff's ASTREA helicopter (with Bambi Bucket), and the U.S. Forest Service provided air support for fire suppression. Because CDF and U.S. Forest Service air support are not under local control they are subject to being called away to other fires during the fire season. Until recently they were not available at all during the winter. In the past, U.S. military firefighting air support was not authorized to provide help on short notice.

County Copter 1 made its services available throughout all of San Diego County. During the 90-day deployment in 2002, *County Copter 1* responded to 45 emergency incidents. During the total deployment in 2003 the helicopter responded to 185 incidents.

The Grand Jury found San Diego to be the only large county in the state that does not have one or more fire and rescue helicopters. There is no single county coordination / control organization for fire safety; in fact there are 53 independent fire agencies. The San Diego County Fire Chiefs' Association, representing the chiefs of these agencies, has sent letters to the San Diego County Board of Supervisors and SAFE (Service Authority for Freeway Emergencies) stating their unanimous support for the Regional Fire and Rescue Helicopter Program.

After researching the San Diego Fire - Rescue Department proposal, the Grand Jury concludes that the County of San Diego is in critical need of two or more regional fire / rescue helicopters. The aircraft should be under the supervision of a yet to be defined regional fire authority.

PURPOSE

The San Diego County Grand Jury initiated a study to answer the following questions:

- Is there a need for a regional fire / rescue helicopter program in San Diego County?
- Is there a need for a countywide regional fire authority?

DISCUSSION

At this time, there is no year round helicopter assigned to San Diego County that can provide all the services that *County Copter 1* has been providing on a seasonal basis. Between July 1 and December 31, 2003 *County Copter 1* responded to 185 incidents (see Table 1). Included in these incidents were both wilderness and urban fire fighting. They performed victim extrication from remote areas. They assisted in rescuing victims from traffic accidents. They were able to deliver equipment and personnel to a scene of an accident despite major traffic gridlock. They also transported a critically injured victim to a trauma center significantly increasing the victim's chance of survival.

Table 1 -- Incidents from July 1 through December 31, 2003¹

Description	City	County	Total
Vegetation Fires	28	36	64
Air Rescues (cliff, etc.)	26	7	33
Vehicle Rescues	40	0	40
Medical Aids	16	0	16
Patient Transports	3	1	4
Water Rescues	3	0	3
Structure Fires (2 nd & 3 rd alarms)	7	0	7
High Rise Structure Fire	1	0	1
Vehicle Fires	3	0	3
Search and Rescue	1	2	3
Animal Rescue (Horse)	0	1	1
Vehicle vs. Structure	4	0	4
Downed Aircraft	3	0	3
Miscellaneous Rescues	2	1	3
Total	137	48	185

¹ Supplied by San Diego Fire - Rescue Department

County Copter 1 has a 375-gallon tank to be used for fire fighting. The tank can be filled with either water or fire suppressant. To refill the tank using the built-in siphon and pump, the crew can use any water source at least 18 inches deep and fill the tank in less than two minutes while remaining airborne. By comparison, the Sheriff's helicopter uses a "Bambi Bucket" with a 90-gallon capacity.

The *County Copter 1* program has shown it can provide timely medical aid to injured and ill patients when necessary as there are two paramedics on board. If the situation is critical, *County Copter 1* can transport a victim directly to the nearest trauma center. Where appropriate, *County Copter 1* can extricate a victim from the scene of an emergency and transfer the victim to Mercy Air² for transport to the nearest medical facility. Mercy Air's crew includes a registered nurse for every incident and is qualified to perform advanced medical treatment beyond that provided by paramedics.

One of the significant differences between the proposed helicopter(s) and those of the Sheriff and other agencies is its ability to be configured for special purpose missions. With its on-board hoist, it can be used to deliver fire fighters or lifeguards to the scene and lower them to assist victims. Air rescue from high-rise structures, cliffs, floods or swift water are also possible using the helicopter's rescue hoist. The helicopter(s) can also transport Hazmat teams and their equipment. Hydraulic extrication equipment such as the Jaws of Life is carried on the helicopter to assist with victim rescue from automobile accidents.

To accomplish all of these missions, the fire / rescue helicopter(s) needs to have heavy lift capability similar to the Bell 212 HP. Professional fire aircraft consultants should be used to determine the actual aircraft specifications.

Current Program Capabilities and Equipment

- Advanced Life Support (ALS) Rescue Aircraft classification (County EMS)
- Paramedic Equipment (similar to a ground ambulance)
- Type 1 Flycrew (Sycuan Golden Eagles Hotshot Crew)
- Internal Rescue Hoist (600 lb. Capacity w/ 250 foot cable)
- 375-gallon Self-filling Fixed Tank (water or retardant drop)
- Longline (150 foot with remote hook for external cargo transportation)
- NightSun Searchlight (30 million candlepower)
- Rappel and Shorthaul
- Hydraulic Extrication Equipped (Jaws-of-Life)
- Water Rescue (harness, capture ball, cinch collar, personal floatation devices, etc.)
- Cervical Spine Immobilization Board and Pre-rigged Stokes Litter (Bauman Bag)

² Mercy Air is a private service operating under a memorandum of understanding with the County to provide air ambulance services.

- 1 – 800 MHz Radio
- 2 – VHF-FM Radios
- 3 – VHF-AM Radios
- Global Positioning System
- Handheld Thermal Imager
- On-board Hoist and Camera System (training and incident video documentation)³

Currently there is no countywide fire agency. There are 53 different local fire departments, agencies, and authorities within the County. Additionally, there are state (California Department of Forestry), federal (U.S Forest Service), and military fire fighting organizations also functioning within the County. There are a number of mutual aid agreements between many of the agencies, but the agreements are not countywide.

As a result of the seasonal program with *County Copter I*, the San Diego Fire - Rescue Department has recommended the formation of a regional county fire authority to run the Regional Fire and Rescue Helicopter Program. The San Diego County Fire Chiefs' Association, representing most of the county agencies, has also recommended the creation of a regional fire authority. A member of the San Diego County Board of Supervisors has recommended that an appointed governing body consisting of area fire and emergency experts be created to oversee the Regional Fire and Rescue Helicopter Program.

The Grand Jury believes that the funding of the Fire and Rescue Helicopter Program is a major consideration. Due to budget constraints at all levels of government, there are no easily identifiable funds available. Additionally, the method of acquisition needs to be determined, either purchased or leased and whether the equipment should be new or used. Each of the acquisition decisions will effect the funding required. One option that could be evaluated is procuring a helicopter from the Federal Excess Property Program. A major consideration when looking at the various methods of acquisition is the cost of refurbishing the aircraft and ongoing maintenance costs.

PROCEDURES EMPLOYED

During the investigation, the Grand Jury obtained information from the following sources:

- Interviewed: a San Diego Fire - Rescue Department Assistant Chief, an Acting Battalion Chief, a City of San Diego Director of Development, an Orange County Fire Chief, the Chief Pilot for L.A. County Fire Department.

³ San Diego Regional Fire and Rescue Helicopter Program Update, Sept. 2003

- Multiple question and answer sessions during helicopter "ride-alongs", San Diego Fire - Rescue Department demonstrations and observations.
- Media reports including newspaper articles and television reports.
- Other reports:
 - Helicopter Budget Owned & Operated Helicopter Program Estimated Annual Cost (March 2003)
 - San Diego Regional Fire and Rescue Helicopter Dispatch Policies and Procedures 2003
 - PowerPoint presentation about San Diego Regional Fire & Rescue Helicopter Program
 - Update of San Diego Regional Fire & Rescue Helicopter Program Sept. 15, 2003
 - San Diego Regional Fire & Rescue Helicopter Accident/Incident Procedures (7-29-02)
 - San Diego Regional Fire & Rescue Helicopter Program Aviation Mishap Response Plan (2003 Draft)
 - Contract Program Estimated Annual Cost (March 2003)
 - Mission Statement San Diego County Sheriff's Department Aerial Support Detail
 - "Law Enforcement Helicopter Goals/Missions"—Sheriff's Department
 - "Use of San Diego Sheriffs Helicopters"—Draft, SDSO ASTREA
 - "Interagency Carded Aircraft & Pilots" Air Resources Meeting Minutes, Sept. 18, 2002
 - NTSB accident report LAX97GA105 February 16, 1997
 - Master List-Helicopter Operations- June 2003, San Diego County and Environs - Fire Service
 - Policy and Procedure Manual-July 1, 2003, County of San Diego, Health and Human Services Agency, division of Emergency Services

FACTS AND FINDINGS

The first time a helicopter was used for assistance during a forest fire was in California in 1947. Since that time, helicopter use for fire and rescue work has expanded and become a vital tool in most large communities nationwide. For the past two years, the San Diego Fire - Rescue Department has run a fire and rescue helicopter trial program during the local fire season. This year, at the end of the contract fire season, the helicopter left San Diego only to be called back days later to help fight the firestorm that hit San Diego County on October 25, 2003. *County Copter 1* is continuing to service the county through emergency funding from the City of San Diego.

The *County Copter 1* program was available to provide services for all 53 county fire agencies throughout San Diego County. There is no other program in San Diego County that could perform the same year round comprehensive services *County Copter 1* provided during its service. Services included: wild land firefighting, vehicle rescue, air rescue, emergency medical services and hazardous materials response, aide to search and rescue, cliff rescues, ocean and rough water rescues, as well as large animal rescues. Based on fire - rescue helicopter programs in counties of similar size, there should be two or more helicopters in the program.

The helicopter has transported the Sycuan Golden Eagle Hotshot Crew for insertion at fire scenes throughout the county. They are a "first strike" ground team used to fight wildfires by clearing brush and creating firebreaks.

The helicopter can deliver a 375-gallon water / retardant drop and quickly refill from a nearby water source. The Sheriff's ASTREA helicopter has only the 90-gallon "Bambi Bucket" for fire suppression. ASTREA does not carry the bucket on board and must land to hook it up for a water drop. *County Copter 1* can carry additional tools or replacement equipment to be brought into remote areas as needed.

Due to the maximum height that a ladder can reach from any fire truck, (100 feet) normal fire equipment often cannot reach upper stories of high-rise buildings. The fire rescue helicopter hoist could be used for extraction of people from tall buildings during a structure fire or life-threatening emergency.

The proposed helicopter(s) should be classified as an Advanced Life Support Rescue Aircraft. With this classification, there would be a minimum of two trained and qualified aircrew members and one flight paramedic responding with the helicopter(s) to all air supported emergency incidents.

Mercy Air, the only privately operated air ambulance service in San Diego County, has a memorandum of understanding (MOU) with the Fire and Rescue Helicopter Program regarding protocols for transporting medical victims to the hospital. This agreement

provides for a review process after each incident assuring all parties involved that the appropriate functions were carried out.

The need for the Regional Fire and Rescue Helicopter Program is supported by:

- County of San Diego Board of Supervisors
- San Diego City Council
- San Diego Fire - Rescue Department
- Task Force on Fire Protection and Emergency Medical Services
- San Diego County Fire Chiefs' Association
- Service Authority for Freeway Emergencies (SAFE)
- Sycuan Band of the Kumeyaay Nation.

The San Diego County Fire Chiefs' Association recommended to the Board of Supervisors that a professional consultant be utilized to conduct a study to examine the helicopter firefighting requirements in San Diego County. The report should provide recommendations on the level of protection needed, as well as, how to achieve the protection and necessary funding.

COMMENDATION

The 2003/4 San Diego County Grand Jury commends Assistant Fire Chief August F. Ghio and Acting Battalion Chief Brian Fennessy for their efforts in developing the San Diego Fire - Rescue Helicopter program. Beginning in 1999, they led an effort to define what a regional helicopter program should be. Working many long hours on their own time, they were able to secure funding from diverse public and private sources for the seasonal programs in 2002 and 2003. Since Firestorm 2003, there has been a groundswell of support for a regional fire helicopter program. The work of Mssrs. Ghio and Fennessy will be the basis from which the future program will develop.

RECOMMENDATIONS

- 04-01-1 The Grand Jury recommends the San Diego Regional Fire and Rescue Helicopter Program should continue its current operation until a regional fire authority is formed.
- 04-01-2 The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.
- 04-01-3 The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

- 04-01-4 The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.
- 04-01-5 The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.
- 04-01-6 The Grand Jury recommends that the San Diego County Board of Supervisors consider the recommendations from the professional consultant contracted by the City of San Diego, in cooperation with the San Diego County Fire Chiefs' Association, to determine the specifications for the fire / rescue helicopter(s).

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required by the date indicated:

<u>RESPONDING AGENCY</u>	<u>RECOMMENDATIONS</u>	<u>DATE</u>
San Diego County Board of Supervisors	04-01-1, 04-01-2, 04-01-3, 04-01-4, 04-01-5, 04-01-6	06/02/04
Mayor, City Council, Fire-Rescue Dept. City of San Diego	04-01-1, 04-01-2, 04-01-3, 04-01-5, 04-01-6	06/02/04
San Diego Local Agency Formation Commission	04-01-1, 04-01-3	06/02/04
Alpine Fire Department	04-01-2, 04-01-3, 04-01-4, 04-01-5	06/02/04
Bonita Fire Department	04-01-2, 04-01-3, 04-01-4, 04-01-5	06/02/04
Borrego Springs Fire Department	04-01-2, 04-01-3, 04-01-4, 04-01-5	06/02/04
Carlsbad Fire Department	04-01-2, 04-01-3, 04-01-4, 04-01-5	06/02/04

National City Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
North County Fire Protection Dist.	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Oceanside Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Pine Valley Fire Protection District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Poway Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Ramona Fire Protection District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Rancho Santa Fe Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
San Diego Rural Fire Protection District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
San Marcos Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
San Miguel Consolidated Protection District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Santee Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Solana Beach Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Valley Center Fire Protection District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Vista Fire Department	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04
Yuima Water District	04-01-2 04-01-3, 04-01-4, 04-01-5	06/02/04

ORIGINAL

LAFCO

1600 Pacific Highway • Room 452
San Diego, CA 92101 • (619) 531-5400

San Diego Local Agency Formation Commission

Website: www.sdlafco.org

Chairwoman

Patty Davis
Councilmember
City of Chula Vista

May 25, 2004

RECEIVED

MAY 26 2004

**SAN DIEGO
COUNTY GRAND JURY**

Vice Chairman

Bud Pocklington
South Bay Irrigation District

Thomas E. McCarthy, Foreman
County of San Diego Grand Jury
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Members

Donna Frye
Councilmember
City of San Diego

Jill D. Greer
Councilmember
City of Lemon Grove

Bill Horn
County Board of
Supervisors

Dianne Jacob
County Board of
Supervisors

Andrew L. Vanderlaan
Public Member

Ronald W. Wootton
Vista Fire Protection District

Alternate Members

Greg Cox
County Board of
Supervisors

Harry Mathis
Public Member

Andrew J. Menshek
Padre Dam
Municipal Water District

Betty Rexford
Councilmember
City of Poway

(Vacant)
Councilmember
City of San Diego

Executive Officer

Michael D. Ott

Counsel

William D. Smith

Dear Mr. McCarthy:

This is in response to the March 3, 2004 Grand Jury Report requesting LAFCO's comments on the need for a regional fire authority and rescue helicopter program in San Diego County (Recommendations 04-01-3 and 1). I was specifically requested to provide the response on behalf of the San Diego LAFCO. As discussed in this letter, LAFCO has neither regulatory purview over the formation of regional authorities, nor operational control over the City of San Diego's Regional Fire and Rescue Helicopter Program. Therefore, based on this clarification and disclosure, it is hoped that the Grand Jury will still accept the San Diego LAFCO's response. Our response follows:

LAFCO Purview and Authority

LAFCO's regulatory oversight is limited to the powers specified in State Law (Government Code Section 56000 et seq.). These regulatory powers provide LAFCO with the authorization to approve, deny, or modify jurisdictional change proposals affecting *local agencies* (cities and special districts). Jurisdictional changes include boundary and organizational changes such as annexations, detachments, dissolutions, consolidations, mergers, etc. For example, the San Diego LAFCO deliberates on over 50 annexations and detachments each year affecting 18 cities and nearly 100 special districts. We also have been very active with the reorganization of special districts – 65 special districts were dissolved by the San Diego LAFCO since 1992. LAFCO does not have purview over the formation and operation of regional authorities because regional authorities are not defined as *local agencies* in State Law. Accordingly, regional authorities are subject to special provisions in Government Code Section 6500 et seq.

The Problem

Fire protection is an unusually complex service responsibility of local government. Unlike other public services, fire protection is characterized by

a formal system of interjurisdictional arrangements and agreements among governmental agencies. As of 2004, a network of 65 different agencies and entities coordinate with one another in San Diego County to deliver fire protection and emergency medical services. This includes 17 cities, 20 independent and 8 dependent special districts, plus state and federal agencies, tribal authorities, and volunteer fire departments. LAFCO has jurisdictional boundary purview over 45 of these agencies (cities and special districts). In recent years, the number of fire protection agencies has come under increasing scrutiny; however, the most problematic aspect of fire protection has more to do with the financial and service inequities that exist among agencies than the sheer number of agencies. The inequities cause great disparity within and among communities with respect to fire protection funding and service levels, organizational structure, and staffing capability.

The Causes

The causes of the fire protection and emergency medical inequities in San Diego County are deeply rooted in California's taxation system, local governmental priorities placed on public safety, and the unique fiscal conditions, which exist in our county. Prior to 1974, there was a local governmental priority to allocate financial resources for countywide fire protection in San Diego County. Cities and fire protection districts were responsible for fire protection within their respective jurisdictional boundaries, while the County Board of Supervisors funded fire protection outside of fire districts during the non-fire season through a contract with the California Department of Forestry (CDF). For one year (1973), the scope of the county contract with CDF was expanded to provide structural fire protection year-around to development outside of fire districts. In 1974, the County Board of Supervisors concluded that the contract with CDF was too costly and moved to phase out financial support. After 1974, unincorporated communities were encouraged to annex to cities or special districts, or to form volunteer fire companies.

The next major change to fire protection occurred in 1978 with the passage of Proposition 13. Proposition 13 set in motion fundamental changes to the way property is assessed and diminished property tax revenue distributed to local agencies – especially fire protection districts. Property tax revenue dropped by 50 percent throughout California; for fire districts in San Diego County, dependency on property tax prior to Proposition 13 was approximately 90 percent of all revenues. After Proposition 13, fire districts' dependency on property taxes ranged widely from 11 to 100 percent. Some fire districts replaced lost revenue with fees, special taxes and assessments, while other districts cut service levels because they could not secure voter approval or public support for replacement revenue.

In addition to Proposition 13, there have been, and continue to be, state-mandated shifts of property tax revenue from fire districts in order to maintain a stable funding level for schools. The impact of the revenue loss and subsequent tax shifts remains today – fire protection agencies do not have sufficient funds to support firefighting operations and the severity of the problem varies from community-to-community. Today, the efficacy of fire protection is largely dependent on a community's willingness to tax itself. Due to different taxation philosophies

espoused at the community level, we are now left with a wide variation in tax, service, staffing, equipment, and facility levels.

The Solutions

In the wake of the Firestorms of 2003, a number of agencies and public officials have called for the consolidation of fire protection agencies and the formation of a regional fire authority. Consolidation and the activation of a regional authority have been looked at as a solution for the multitude of problems experienced in San Diego County; however, this government structure option represents a means to address many of the problems, but is not necessarily the ultimate solution. The solution would involve the correction of the fiscal imbalance that underlies the entire network of fire protection in the County. It needs to be emphasized that if all agencies in the County were to consolidate and/or a regional authority formed, the underlying fiscal and service inequities that have impacted the individual agencies also would plague the newly created regional entity. LAFCO research has shown that the functional cost savings and economies of scale that would result from consolidation would be less than the increased operational costs associated with consolidation. This conclusion will frustrate consolidation proponents, but it is based on fact.

Based on our research, we have concluded that great caution needs to be taken before consolidation can be advocated countywide. For example, LAFCO and its Task Force on Fire Protection and Emergency Medical Services recently conducted a feasibility study to determine the merits of jurisdictional consolidation in San Diego County. Phase 1 of the project involves eight agencies in East County. Preliminary research indicates that consolidation will initially result in significant ongoing operational cost increases associated with the equalization of employee wage and benefit plans that are transferred to the consolidated entity. For the consolidated agency to provide merely the same level of service as the eight separate agencies, it would cost an additional \$5.9 million.

Given these challenges, the San Diego LAFCO, the LAFCO Task Force on Fire Protection and Emergency Medical Services, the County Board of Supervisors, and a coalition of fire officials have begun examining the structural problems that impede fire-funding issues. The first step is to develop a needs assessment for fire protection and emergency medical services in both the unincorporated and incorporated areas of the County. LAFCO is currently undertaking a needs assessment to obtain the true costs associated with improving fire protection in the County. On May 18, 2004, the Board of Supervisors endorsed this LAFCO effort, and it is hoped that the Board of Supervisors will fund the project.

After completion of the needs assessment project, the Board will develop a proposal for long-term stable funding. This proposal may be based on a county-initiated legislative and/or constitutional change to the property tax allocation system. The Board of Supervisors believes that legislative change may be warranted because 63 cents of every property tax dollar goes to schools in San Diego County, while the statewide average is 52 cents of every property tax dollar. If the difference of 11 cents went to boost fire protection and emergency

medical services, over \$250 million could be generated to improve the region's public safety. Any reduction in existing property tax funding to schools would be offset by an increase in revenue from the State.

In addition to the regional needs assessment, the San Diego LAFCO has offered to utilize its jurisdictional experience to coordinate the development of a framework plan for the establishment of a regional firefighting authority. While LAFCO does not have regulatory authority over the formation of a regional authority, LAFCO has considerable experience with local governmental service issues and has offered to develop a model for a new fire protection system. Our hope is that if a model can be developed for delivering fire protection within the entire region, then individual fire agencies would become regional participants. One of the benefits of a regional authority is that it could result in the assumption of all, or some, of the functional responsibilities of individual agencies depending on community priorities. The types of services that would be potential candidates for immediate transfer include, communications/dispatch, training, purchasing, hazardous materials operations, grant administration, aerial firefighting, etc. The activation of the regional authority, however, will be based on the identification of cost savings and new funding sources per the Board of Supervisors funding proposal.

It should also be noted that while the regional agencies such as the Board of Supervisors, LAFCO, and the Task Force on Fire Protection and Emergency Medical Services are partnering at a feverish pace to develop solutions, local fire agencies are also doing the same. For a number of years, local agencies have been taking incremental steps to address the fiscal and service inequities that impact fire protection. Local agencies have set up both regional and sub-regional agreements to coordinate sub-regional service provision, such as communications, dispatch, expanded automatic aid response, hazardous waste services, etc.

In addition, LAFCO created a regional special district to provide the authority and financial framework for instituting an 800 Megahertz public safety and public service radio communications system. The regional communications system allows emergency and public safety agencies to communicate with one another, thus enhancing the response to large-scale fires, and natural disasters. The system also interfaces with Imperial County. The communications district consists of all of the unincorporated territory of San Diego County, as well as districts and cities that share in its funding. Currently, the Cities of Carlsbad, Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, and Vista are participating cities. Participation from all agencies in the County has not occurred because some agencies rely on their own 800 Megahertz system or cannot afford to pay the costs associated with the system. Again, a primary impediment to regionalization is funding.

With respect to the Grand Jury's recommendation that the San Diego Fire and Rescue Helicopter Program be continued until a regional fire authority is formed, the San Diego LAFCO concurs that the program is necessary and should be continued. A regional authority would appear to be an appropriate entity to ensure the long-term operation of the program. A

Thomas E. McCarty
Page 5
May 25, 2004

regional authority would also be the logical entity to evaluate the efficacy of the lease and purchase arrangements currently under evaluation, whether alternative types of equipment and resources should be considered, and whether other jurisdictions besides the City and County of San Diego should fund the program. As discussed previously, LAFCO does not have purview over the San Diego Regional Fire and Rescue Helicopter Program and defers to firefighting and aviation experts for specific recommendations. However, the existing helicopter program constitutes a regional asset and it would appear that it should be administered regionally.

Other Solutions

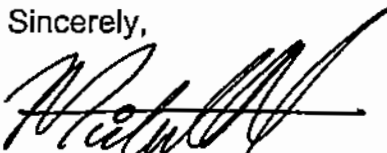
In addition to working on the formation of a regional authority, conducting a regional needs assessment, and developing a consolidation feasibility study, the San Diego LAFCO has been independently seeking additional funding for fire protection service providers. In 1999, the San Diego LAFCO established a Task Force on Fire Protection and Emergency Medical Services that has been responsible for allocating over \$7 million to underfunded fire agencies in unincorporated San Diego County. The funding has been used by local agencies to purchase needed firefighting equipment and facilities.

Summary

In summary, LAFCO does not have regulatory purview over Grand Jury Recommendations 04-01-3 and 1. However, LAFCO possesses considerable knowledge about government organization and it is hoped that the Grand Jury will find LAFCO's responses helpful.

Please feel free to contact me if there are any questions regarding the San Diego LAFCO's response to the 2004 Grand Jury recommendations dealing with the need for a regional fire authority and helicopter program in San Diego County.

Sincerely,



MICHAEL D. OTT
Executive Officer

MDO:jb



**CITY OF CORONADO
FIRE DEPARTMENT**

RECEIVED

**JUN 14 2004
SAN DIEGO
COUNTY GRAND JURY**

May 20, 2004

Thomas E. McCarthy, Foreman
San Diego County Grand Jury
County of San Diego, Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Dear Mr. McCarthy

Attached you will find the requested response, from the Coronado Fire Department, as to the recommendations detailed in the Grand Jury Report entitled "Is there a need for a Regional Fire Authority and Rescue Helicopter in San Diego?"

The position of Fire Chief, in the City of Coronado, is not one of an elected position. Therefore my responses do not include comment under section "C", the manner in which comments are to be made, as listed in "requirements and instructions".

Response to recommendations 04-01-02 through 04-01-05 is included and represents not only my position but also that of the City of Coronado.

If you should have any questions please feel free to contact me at (619) 522-7374.

Respectfully,

Kim Raddatz
Fire Chief
City of Coronado

**City of Coronado Fire Department
Grand Jury Response**

May 6, 2004

TO: Presiding Judge of the Superior Court of the County of San Diego

FR: Fire Chief Kim Raddatz, Coronado Fire Department

RE: Grand Jury Report entitled: *"Is there a need for a regional fire authority and rescue helicopters in San Diego County"?*

As Fire Chief of the City of Coronado, I am responding in accordance with California Penal Code 933 to Grand Jury Report 2003/4-01. In addition to answering the Grand Jury's question "Is there a need for a regional fire authority and rescue helicopter in San Diego County?", I would like to take the time and address a misleading statement in the report regarding the San Diego County Fire Chiefs' Association (SDCFCA) position on this issue. Report 2003/4-01 states: *"The San Diego County Fire Chiefs' Association, representing the chiefs of these agencies, has sent letters to the San Diego County Board of Supervisors and SAFE (Service Authority for Freeway Emergencies) stating their unanimous support for the Regional Fire and Rescue Program."* The SDCFCA letter in fact did not say this. Our Association's letter identified the need for a regional fire/rescue helicopter program that is locally controlled and dedicated to fire/rescue services. The letter states: *"the fire chiefs unanimously agree that the best approach to a responsible regional program is to employ the services of a professional consultant with expertise in developing firefighting helicopter programs to conduct a study."* The intent of the SDCFCA's letter was not to specifically endorse, or condemn the current program. In fact the letter was not intended to put the helicopter program necessarily as the top priority. The letter was intended to establish all firefighting priorities (equipment, personnel and air operation) throughout San Diego County.

The SDCFCA letter dated November 19, 2003, to the County Board of Supervisors states: *"a regional approach will best address the myriad of challenges facing today's fire service."* There are many fire safety issues that require attention in San Diego County, air operations is simply one of them and not necessarily the most important one with top priority.

As to the sources from which the Grand Jury obtained information for the report, I find it somewhat lacking in scope or inclusion. The opinions expressed by those included in the investigation lacks any addressing of the opinions that should be considered from cities and special districts that have been or will be affected by future emergencies or fire responses.

A component of any regional program should consist of how to fund aerial firefighting resources. The San Diego Fire - Rescue County Copter 1 program had previously

proposed billing based on population. The City of Coronado's response encourages a methodology be developed that includes a community's "risk" as a component to determine the cost for any regional resource.

The Fire Department believes air resources are vital to the protection of the San Diego region. Dedicated, year round air resources are appropriate for this region. We know San Diego County is susceptible to devastating wildfire throughout the year. The concept of year around air operations dedicated to San Diego County is easy to support. However, the question should be whether aerial resources should be put ahead of other firefighting resources that are so drastically needed.

Regarding the City of Coronado's required response to recommendations in the Grand Jury Report 2003/4-01, the following is submitted:

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operations of the San Diego Regional Fire and Rescue Helicopter Program.

Answer:

The City of Coronado does not support this recommendation. An impartial study should be completed that has an in-depth needs/risk assessment to determine full disclosure of risk by cities, fire districts and the county within the region, as opposed to merely using population as the determining factor for cost allocation.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Answer:

The regional fire authority is an effective way to address the numerous challenges facing the under funded fire service in San Diego County. The City of Coronado and its fire department support developing a regional fire authority to address the significant problems in the under funded unincorporated areas of San Diego County as well as municipalities desiring full, or partial service.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Answer:

The City of Coronado and the Coronado Fire Department do not support this recommendation. An impartial study is underway and should be completed prior to determining the number of air resources needed and if air resources should be the top priority for protecting this county. Any regional authority should look at the overall need of the jurisdiction and utilize their available funding to best serve the citizens within San Diego County.

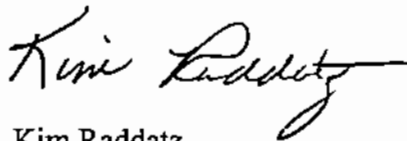
Recommendation 04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Answer:

The City of Coronado and its Fire Department agrees with this concept providing that the funding concept include the risk element for each agency. Any funding mechanism considered by the Board of Supervisors would have to include a funding methodology to consider "risk", or cities such as Coronado, who have never utilized an air resource for fire or rescue, would bear an unfair burden of funding this type of resource.

Respectfully

A handwritten signature in black ink, appearing to read "Kim Raddatz", with a stylized flourish at the end.

Kim Raddatz
City of Coronado Fire Chief



Gary L. Fisher
Tom Day
Jeff D. Berg
Kent L. Norton
Randy G. Terich
Don Shellhammer
Marilyn Anderson

Fire Chief
Deputy Fire Chief
Battalion Chief
Battalion Chief
Battalion Chief
Battalion Chief
Emergency Services

...SERVING THE CITY OF VISTA AND THE VISTA FIRE PROTECTION DISTRICT

June 6, 2004

RECEIVED
JUN 11 2004
SAN DIEGO
COUNTY GRAND JURY

Presiding Judge of the Superior Court
330 W. Broadway
San Diego CA 92101-3830

SUBJECT: Grand Jury Report entitled: "Is There A Need For a Regional Fire Authority And Rescue Helicopters In San Diego County?"

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response:

The Vista Fire Department is strongly opposed to this recommendation. The vast majority of wildland urban interface fire and rescue calls are in county areas, not municipalities. We support the City and County of San Diego working to secure cooperative agreements, such as standard statewide mutual aid, for the operations of the Regional Fire and Rescue Helicopter Program, but we do not agree with placing the burden of funding on local cities and districts. We recommend Prop 172 money be utilized to fund this program.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Response:

The Vista Fire Department does not support this recommendation without clarification of the roles and responsibilities of a "regional fire authority".

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:

The Vista Fire Department does not support this recommendation. The City and/or County of San Diego have employed the services of a consultant to do a needs assessment and make recommendations based on that assessment. The Vista Fire Department believes it is premature to pursue this approach without first receiving the analysis from the consultant. The Vista Fire Department supports waiting for the outcome of that report. Additionally, while the Vista Fire Department recognizes the need for a helicopter(s), the Vista Fire Department does not believe helicopters are the priority to address the wildland fire issue in San Diego County.

Recommendation 04-01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Response:

The Vista Fire Department does not support this recommendation. The Vista Fire Department does support governmental agencies working together in a regional approach; however, as noted earlier, the Vista Fire Department believes funding for a County helicopter should be provided wholly from the County via Prop 172 funds. Funding for a city helicopter should come wholly from that city.

**Prepared by Gary Fisher, Fire Chief
City of Vista, California**

*The City Of
Imperial
Beach*

ORIGINAL

(619) 423-8223
FAX: (619) 628-1368

DEPARTMENT OF PUBLIC SAFETY
865 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



June 6, 2004

Presiding Judge of the Superior Court
330 W. Broadway
San Diego CA 92101-3830

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JUN 9 2004

RECEIVED

JUN 10 2004

SAN DIEGO
COUNTY GRAND JURY

GRAND JURY RESPONSE

Prepared by Frank Sotelo, Director of Public Safety/Fire Chief
Imperial Beach Fire Department

Your Honor,

Thank you for the opportunity to provide comment on these very important issues facing the County of San Diego. The following responses represent staff level judgment and not the judgment/position of our elected body.

040102

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

ANSWER

It is premature to request funding for a fire protection resource without determining the amount of risk vs. benefit of a particular resource. A resource needs assessment should be completed prior to requesting financial support from cities and districts. After a county wide regional assessment has been performed and where other operational needs are assessed then the support for all necessary regional resource needs should be weighed based on a determination of the types and amount of risk that are present.

While Imperial Beach is generally supportive of shared funding of regionally needed assets, a proper and fair formula needs to be developed that takes into account the exposure/risks. The City of Imperial Beach is a primarily residential community that has no high rises and no significant wild land urban interface. Additionally, there exist other resources, which the City of Imperial has access to. For example, the City of Imperial Beach contracts with the Sheriff's Department, which operates the Astrea Helicopter Program. For both inshore and offshore ocean rescues the Coast Guard and the Border Patrol have helicopters that are available to respond. Imperial Beach also uses Mercy Air-Medical Helicopter for Medical Emergencies.

04-01-03

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego local Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

ANSWER

A regional fire authority may provide the type of central command authority that is currently lacking in the unincorporated areas of the county. This central authority will create policy and procedural uniformity for administrative functions, fire prevention activities, emergency operations, training standardization, logistical synchrony, chain of command procedures, communication systems and improved inter-agency coordination for major and minor emergency incidents. It will provide the basis for immediate command authority needed during the early stages of major emergencies with multiple incidents. The key is providing the appropriate level of funding necessary to launch and maintain an organization of this size. Formulas that will insure equitable cost sharing amongst the various districts and unincorporated areas, which do not compromise but enhance protection for all, should be put into place. Such a successful regional agency will enjoy advantages and benefits that municipalities may find attractive.

04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of the Regional Fire Authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Agree that the program is a priority to be studied. Though other priorities are as critical or even more critical. Other priorities should include: Determining a permanent annual funding source for the authority. Assessing the total needs of the jurisdiction. Improving communications capability.

04—01-5

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Imperial Beach agrees with the idea of shared/pooled costs funding for critically needed resources. However, the amount of exposure to wild land fires or need for helicopter rescue operations and high-rise rescue varies among cities. The City of Imperial Beach has no significant exposure to wild-land conflagration or any high-rise buildings. There is a much greater need for ocean rescue capability in our beachfront community

Imperial Beach has many unmet public safety needs. Funding demands must be proportional to the amount of risk. Use of public funds for any purpose requires proper justification and study. With limited financial resources each jurisdiction's elected officials must make decisions based on their particular communities risk factors.



Frank Sotelo
Public Safety Director / Chief
City of Imperial Beach



ORIGINAL

Deer Springs
Fire Protection District

RECEIVED
MAY 28 2004

8709 Circle "R" Drive
Escondido, California 92026
(760) 749-8001 Fax: (760) 749-6572

Date May 25, 2004

Honorable John Einhorn, Presiding Judge
Superior Court of the County of San Diego
330 West Broadway
San Diego, CA 92101-3830

RE: Response to the recommendations of the San Diego County Grand Jury, 2003-2003 report entitled "IS THERE A NEED FOR A REGIONAL FIRE AUTHORITY AND RESCUE HELICOPTERS IN SAN DIEGO COUNTY?"

Dear Judge Einhorn,

The Board of Directors of the Deer Springs Fire Protection District (DSFPD) has considered the foregoing entitled report and applicable recommendations at its meetings of May 12 and May 25 and has approved the following response:

RECOMMENDATION 04-01-02

DSFPD supports and approves the concept of a San Diego Regional Fire and Rescue Helicopter program. The Board believes that this is a necessary element to providing fire, medical and rescue emergency services and is a critical necessity in the early and continuing response to rural wild fires. However, DSFPD does not support that portion of the recommendation which calls for cooperative agreements and financial support from fire districts as that recommendation would apply to DSFPD. DSFPD recognizes its obligation to provide its fair share for emergency services and believes its residents are currently doing so through their payment of County property taxes. DSFPD is a District formed after the passage of Proposition 13 and therefore its financial resources are severely limited. The residents of DSFPD have voluntarily, by vote of property owners, imposed a fire suppression assessment on District property owners in order to provide sufficient revenues to maintain its existing level of emergency services which are at a level below that experienced by most Districts and cities who have access to revenues which are not restricted under Proposition 13.

Please note that all DSFPD firefighting personnel including supervisory, administration and training are furnished to DSFPD pursuant to contract with the California Department of Forestry.

RECOMMENDATION 04-01-03

DSFPD supports this recommendation to the extent that the level of emergency services being provided to DSFPD residents is not decreased and the cost to DSFPD residents and owners is equalized and not increased.

RECOMMENDATION 04-01-04

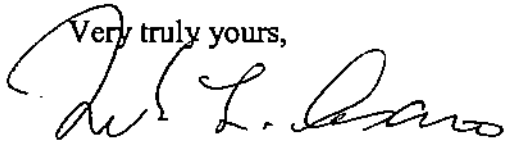
DSFPD supports this recommendation subject to our prior responses.

RECOMMENDATION 04-01-05

DSFPD supports this recommendation as a necessary element of an emergency response strategy subject, however, to our prior responses.

DSFPD will be pleased to respond to any questions or comments you may have.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Frank L. Asaro", written in a cursive style.

Frank L. Asaro, President
Board of Directors



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

RECEIVED

MAY 27 2004

RECEIVED

MAY 27 2004

SAN DIEGO
COUNTY GRAND JURY

May 19, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to two reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled "Conditions and Management of Detention Facilities in San Diego County" (Issued March 17, 2004) and "County of San Diego Board of Supervisors' Response to Grand Jury Report on Detention Facilities in San Diego County" (Issued March 10, 2004). The attached material was approved by the Board of Supervisors on May 18, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-6226.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

5

DATE: May 18, 2004

TO: Board of Supervisors

SUBJECT: RESPONSES TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

On March 10, 2004, the 2003-2004 Grand Jury issued a report titled "Is There a Need for a Regional Fire Authority and Rescue Helicopters in San Diego County?". On March 17, 2004, the Grand Jury issued a report titled "Conditions and Management of Detention Facilities in San Diego County." This letter is a request for your Board to review the draft responses to these two reports, and to authorize the Chief Administrative Officer to transmit these responses to the Grand Jury, via the Superior Court Presiding Judge. In addition, a copy of the Sheriff's Department response to the Detention Facilities report that has already been submitted in accordance with Grand Jury instructions is attached for your review.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit the attached responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

The recommended action has no fiscal impact.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

SUBJECT: RESPONSES TO 2003-2004 GRAND JURY REPORTS (District: All)

5

On March 10, 2004, the 2003-2004 Grand Jury issued a report titled "Is There a Need for a Regional Fire Authority and Rescue Helicopters in San Diego County?". On March 17, 2004, the Grand Jury issued a report titled "Conditions and Management of Detention Facilities in San Diego County." This letter is a request for your Board to review the draft responses to these two reports, and to authorize the Chief Administrative Officer to transmit these responses to the Grand Jury, via the Superior Court Presiding Judge.

Attachment A is the proposed response to the fire and rescue helicopter report. Attachment B is the response to the detention facilities report that has already been submitted to the Grand Jury by the Sheriff. Attachment C is the proposed response to those portions of the detention facility report for which the Grand Jury requested responses from the Board of Supervisors and the San Diego County Probation Department.

Linkage to the County of San Diego Strategic Plan

The responses to the Grand Jury reports on detention facilities and regional fire and rescue helicopters support the strategic initiative of Safe and Livable Communities. These responses also support the required discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully submitted,



W. HAROLD TUCK, JR.

WALTER F. EKARD
Chief Administrative Officer

ATTACHMENT A

COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT "IS THERE A NEED FOR A REGIONAL FIRE AUTHORITY AND RESCUE HELICOPTERS IN SAN DIEGO COUNTY?"

Issued March 10, 2004

Recommendation 04-01-1: The Grand Jury recommends the San Diego Regional Fire and Rescue Helicopter Program should continue its current operation until a regional fire authority is formed.

County Response: The recommendation requires further analysis. The County concurs with the need to maintain the current helicopter program until such time as it is replaced and/or augmented by another program. However, it has not yet been determined that a replacement program will be operated by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-2: The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

County Response: The recommendation will not be implemented. The current program is operated by the City of San Diego. The City previously requested funding contributions from the County and all other cities within the county. The County agreed to contribute the amount requested (\$36,415 per month) through the end of June, 2004, and will consider continuing that same level of support at a Board of Supervisors meeting in June, 2004.

Recommendation 04-01-3: The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-4: The Grand Jury recommends that the San Diego Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-5: The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-6: The Grand Jury recommends that the San Diego County Board of Supervisors consider the recommendations from the professional consultant contracted by the City of San Diego, in cooperation with the San Diego County Fire Chiefs' Association, to determine the specifications for the fire/rescue helicopter(s).

County Response: The recommendation is in the process of being implemented. The County has provided members of its Fire and Life Safety Helicopter Operating Council with copies of Phase I of this consultant's report, and has agreed to pay the cost for Phase II of the report. All input from this consultant will be considered by the Council prior to making recommendations to the Board of Supervisors on the specifications for the fire and life safety helicopter to be purchased by the County.

**COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT
"CONDITIONS AND MANAGEMENT OF DETENTION FACILITIES IN SAN
DIEGO COUNTY"**

Issued March 17, 2004

SAN DIEGO SHERIFF'S DEPARTMENT FACILITIES

LAS COLINAS DETENTION FACILITY

Finding 1: The correctional staff and the building maintenance engineer's staff are working hard to maintain the facility. However due to the age and overuse, this is more than they can accomplish satisfactorily.

County Response: Disagree in part. Although the facility is old, and not in ideal condition, it is maintained to a state that allows operations to continue. This belief is supported by the statement contained in finding 4 (see below).

Finding 2: The facility requires constant maintenance due to age and overcrowding.

County Response: Agree.

Finding 3: Staff felt the number one area for improvement is in the area of maintenance.

County Response: Agree.

Finding 4: In spite of the problems caused by working in an ageing facility, staff morale and professionalism was very high.

County Response: Agree.

Recommendation 04-02-09: The Grand Jury recommends if construction of a new facility cannot proceed, then a major renovation effort should take place at the Las Colinas Detention Facility.

County Response: The recommendation will not be implemented. The master plan for a new facility to replace Las Colinas has been completed. However, due to current funding shortfalls, a timeframe for this project has not yet been established. County staff continue to pursue funding for this project. Spending a considerable amount of money on a major renovation would only slow the drive to obtain sufficient funds for the new facility.

PROBATION DEPARTMENT FACILITIES

CAMP BARRETT

Finding 1: There are forms available for inmates to request services or lodge grievances. It was noted that grievance forms are filed away after they are resolved. However, no control log of these grievances and their disposition is maintained.

County Response: Agree.

Finding 2: Youth being released from Barrett to go home are given a two-week supply of the medications they are currently prescribed. However, no written information is given to the parent explaining what medications are being given or any medical condition the youth is or was being treated for while incarcerated. All the records for the person being released are sent back to Juvenile Hall for storage.

County Response: Disagree. A system is in place to address this issue, as described in the response to recommendation 04-02-24 below.

Finding 3: Many of the buildings are showing wear. In many areas electrical wires are exposed. Many extension cords are being used to connect power to permanently installed equipment.

County Response: Agree.

Finding 4: Signs for warning notices and rules are mainly in English. Posters for character education are in both Spanish and English.

County Response: Agree.

Recommendation 04-02-21: The Grand Jury recommends that the staff begin keeping a grievance log, noting the date of the grievance, person filing it, disposition/by whom and date of closure. This log should be prepared, updated and checked daily by a supervising Probation Officer.

County Response: The recommendation has been implemented. A log has been developed containing the information requested above. The Supervising Probation Officer will review it daily.

Recommendation 04-02-22: The Grand Jury recommends the repair of unsafe electrical wiring and addition of outlets to eliminate the use of extension cords for powering permanently installed equipment.

County response: The recommendation has been implemented. General Services has inspected the dorms regarding the problems noted. With the exception of one electrical

outlet, there is no unsafe electrical wiring in the dorms. The electrical outlet was repaired on 4-20-04. There are some telephone and coaxial cables that are unsecured and some not being used. Those cables or telephone lines not in use have been removed, and the others were secured. The items that were plugged into electrical extension cords were plugged directly into wall outlets. The extension cords have been removed.

Recommendation 04-02-23: The Grand Jury recommends that warning signs and signs for rules should be displayed in both English and Spanish.

County Response: The recommendation has been implemented. All warning and rules signs are now posted in both English and Spanish.

Recommendation 04-02-24: The Grand Jury recommends that the parents of wards being released be given written information about the current medical condition and or medical needs of the juvenile.

County Response: This recommendation has been implemented. The following system was in place at the time of the Grand Jury visit:

All detainees that require ongoing medical care are identified and follow up is put in place in one of three ways:

1. **Red Flag-**This is a form filled out by one of the medical or nursing caregivers. This is done for ongoing need of treatment, medication, or follow up appointment. Once this form is filled out, Intake Booking and Receiving at the Kearny Mesa Juvenile Detention Facility is notified and the detainee's record is marked. Upon release of the detainee, the clinic is notified and appropriate paperwork is given to the caregiver.
2. **Wellness Team-**If ongoing treatment is needed, or further appointments, the Wellness Team will notify the parent or caregiver by phone, explain the treatment needed and the importance of it. The Wellness Team will also assess for the need of help with insurance.
3. If necessary, the doctor will call and notify the parents.

All detainees that require ongoing medical care after release are "Red Flagged". This is a form that is either filled out by the doctor or nurse, with instructions for the parents or caregiver. This could include follow-up appointments, medication or treatment. When such treatment is deemed necessary after release, the "Red Flag" form is filled out and placed in the "Red Flag Book". Once this is done, the Kearny Mesa Juvenile Detention Facility's Intake, Booking and Release (IBR) unit is notified and they mark the detainee's file. Upon release of the detainee, IBR notifies the nurse and they respond by bringing the instructions to the parent or caregiver.

JUVENILE HALL

Finding 1: While visiting a math classroom we noted that the textbooks were, in some cases, over 20 years old. These books were also so filled with graffiti, they were almost unreadable.

County Response: Agree.

Finding 2: We were informed that the exercise area has been enlarged. However, the nets were in disrepair and need to be replaced. We found the physical plant to be old and worn but clean and orderly.

County Response: Agree.

Finding 3: The staff reported that one major problem is the lack of toilet facilities in each cell. This then requires a great deal of staff time escorting detainees from their cells to the toilet and back to their cells.

County Response: Agree.

Recommendation 04-02-25: The Grand Jury recommends that the books in the classroom be monitored for wear and condition. Books covered with graffiti should be replaced as soon as practical.

County Response: The recommendation has been implemented. Per the County Office of Education, the damaged and outdated math books and classroom books have been disposed of and were replaced with the Prentice Hall California Education books.

Recommendation 04-02-26: The Grand Jury recommends that the condition of recreational equipment should be monitored. Torn or improperly hung nets should be repaired, replaced or re-hung.

County Response: The recommendation has been implemented. Two new soccer nets and two new volleyball nets have been installed. Unit supervisors will monitor the condition of these nets.

JUVENILE RANCH FACILITY

Finding 1: Two classrooms have been out of use since before last March due to rodent infestation. The rooms are being renovated, however they are still unusable.

County Response: Agree.

Finding 2: Students coming to school here are tested and placed into classes based upon their ability, not their age. This method of placement is something the staff promoted, and it helps the students be more successful.

County Response: Agree.

Finding 3: Additional help in promoting literacy is being addressed with the Linda Mood Bell reading program for some of the students.

County Response: Agree.

Finding 4: Due to various lengths of stay, sometimes as short as a few days, getting school records is sometimes a problem.

County Response: Agree.

Finding 5: Due to the high number of special education students, the school has 3 mainstream classes and 3 special education classes.

County Response: Agree.

Finding 6: Approximately 50% of the students here are Hispanic, 23% African American and 20% Caucasian. Notices to parents are available in both English and Spanish. However, most posted rules and warning signs on site are in English only.

County Response: Agree.

Finding 7: Due to the proximity to the Border Patrol Station, drug dogs are available for searches for contraband. If a detainee goes AWOL, the Border Patrol is notified and has been helpful in returning some detainees to the Ranch Facility.

County Response: Agree.

Finding 8: Due to budget cuts, maintenance and upkeep of the facility has been reduced. Although some of the buildings are very new, the older buildings need paint and some siding replaced. The perimeter fence needs repair.

County Response: Disagree in part. Maintenance and upkeep has not been reduced due to budget cuts. Some repairs have been delayed due to the fact that these buildings have become part of a historic district. As such, exterior repairs must be coordinated with historic sites officials, in order to preserve the historic appearance of the buildings.

Recommendation 04-02-27: The San Diego Grand Jury recommends the repair of closed classrooms and ridding them of rodents as soon as possible.

County Response: The recommendation has been implemented. The rodents were removed and the classrooms were reopened in November of 2003. Terminex Pest Control continues to assist in controlling the rodents in the classrooms.

Recommendation 04-02-28: The San Diego Grand Jury recommends the repair of the perimeter fence as soon as possible for both security and safety reasons.

County Response: The recommendation is in the process of being implemented. Estimates and approval for repair have been obtained. Fence replacement is scheduled for completion in May, 2004.

Recommendation 04-02-29: The San Diego Grand Jury recommends making posted warning and rules signs in both English and Spanish.

County Response: The recommendation has been implemented. All warning and rules signs are now posted in both English and Spanish.



ORIGINAL
CITY OF OCEANSIDE
FIRE DEPARTMENT

ROBERT E. OSBY
FIRE CHIEF

RECEIVED

MAY 28 2004

May 24, 2004

Presiding Judge of the Superior Court
County of San Diego, Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Dear Sir or Madam:

The City of Oceanside Fire Department, in compliance with Penal Code 933.05 responds to the Report of the Grand Jury 2003-2004 (March 10, 2004) as follows:

This named respondent agrees with each of the findings described in the Report.

This named respondent agrees with each of the recommendations of the Grand Jury as described in 04-04-2, 04-01-3, 04-01-4 and 04-01-5.

This named respondent cannot unilaterally implement any of the recommendations, but will support and cooperate with regional efforts as they are identified, described and recommended in the Report.

Respectfully submitted,

Robert Osby

Robert E. Osby
Fire Chief

ORIGINAL



**City of National City
Office of the Mayor**

1243 National City Blvd., National City, CA 91950 (619) 336-4526
NICK INZUNZA - MAYOR

RECEIVED

May 18, 2004

JUN 02 2004

SAN DIEGO
COUNTY GRAND JURY

VIA REGISTERED MAIL

The Honorable John S. Einhorn
Presiding Judge of the Superior Court
County of San Diego
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RE: City of National City's Response to the 2004 Grand Jury Report on "Is There A Need For
A Regional Fire Authority And Rescue Helicopters In San Diego County?"
Recommendations 04-01-2 through 04-01-5

Dear Judge Einhorn:

On March 4, 2004, the City received correspondence from the Grand Jury regarding Recommendations 04-01-2 through 04-01-5. The above captioned report was attached to the March letter. The balance of this correspondence is devoted to the Grand Jury's Recommendations 04-01-2 through 04-01-5.

RECOMMENDATION 04-01-2:

The Grand Jury writes:

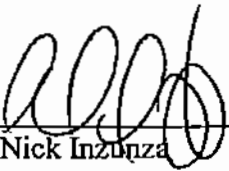
"The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program."

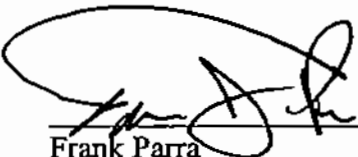
COMMENT:

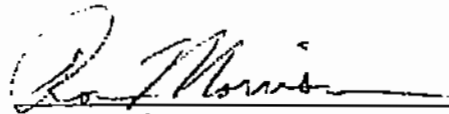
This City Council believes that a Regional Fire and Rescue Helicopter Program will be of benefit. The benefit will service the unincorporated areas of the County the greatest. However, we do not believe that the required expenditures from National City's Budget for this program will provide the City of National City with increased capabilities to justify the expenditure. National City's history shows that the National City Fire Department (NCFD) has not requested aerial fire or rescue support of this type. NCFD has on occasion utilized the services of an air ambulance to expedite the transportation of victims of traumatic injuries to local trauma hospitals.

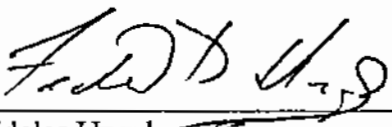
The Honorable John S. Einhorn
May 18, 2004
Page Three

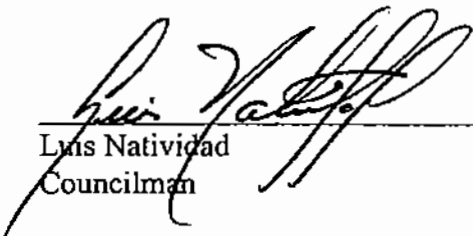
We collectively acknowledge the time invested and the concern shown in this Grand Jury report by the Jury members. We share much of that concern, however, we also know that we do not know all the answers to the questions that they have raised. We would be pleased to support their future review of obtaining a Regional Fire and Rescue Helicopter and governance issues and hope that we have been responsive to the recommendations raised in the report at hand.



Nick Inzunza
Mayor

Frank Parra
Vice Mayor

Ron Morrison
Councilman

Fideles Ungab
Councilman

Luis Natividad
Councilman

cc: Thomas E. McCarthy, Grand Jury Foreman
City Council
City Manager
City Attorney



ORIGINAL

CITY OF EL CAJON

FIRE

June 1, 2004

RECEIVED
JUN 02 2004
SAN DIEGO
COUNTY GRAND JURY

Thomas E. McCarthy, Foreman
San Diego County Grand Jury
County of San Diego, Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Dear Mr. McCarthy,

Attached you will find the requested response, from the El Cajon Fire Department, as to the recommendations detailed in the Grand Jury Report entitled "Is there a need for a Regional Fire Authority and rescue helicopters in San Diego County?"

The position of Fire Chief, in the City of El Cajon, is not one of an elected position. Therefore my responses do not include comment under section "C", the manner in which comments are to be made, as listed in "requirements and instructions."

Response to recommendations 04-01-02 through 04-01-05 is included and represents not only my position but also that of the City of El Cajon.

If you should have any questions please feel free to contact me at (619) 441-1611.

Respectfully,

Ed Jarrell
Fire Chief
El Cajon Fire Department

**City of El Cajon Fire Department
Grand Jury Response**

May 10, 2004

TO: Presiding Judge of the Superior Court of the County of San Diego

FR: Fire Chief Ed Jarrell, El Cajon Fire Department

RE: Grand Jury Report entitled: "Is there a need for a regional fire authority and rescue helicopters in San Diego County?"

In accordance with California Penal Code 933 (c) the El Cajon Fire Department response to the question "Is there a need for a regional fire authority and rescue helicopters in San Diego County?" is outlined below. The responses to recommendations 04-01-02 through 04-01-05 represent the position of the El Cajon Fire Department as well as the City of El Cajon.

As a forward to addressing the specific recommendations within the report I would like to make comment regarding a few inclusions contained in the report.

In the "summary" of the grand jury report, it is stated that the San Diego County Fire Chief's Association (SDCFCA) has offered their unanimous support for the Regional Fire Authority and Rescue Helicopter Program. I believe this comment to be misleading. Although the SDCFCA has endorsed the "idea" and sees the benefit to "conduct a study" of such a program, there is not unanimous support for proceeding as the report describes. In fact, there has been much discussion as to the merits of the program, the cost of the program and to whose benefit it most provides with no emerging answer that indicates any unanimous conclusion.

As to the sources from which the Grand Jury obtained information for the report, I find it lacking in scope or inclusion. The opinions expressed by those included in the investigation lacks any addressing of the opinions that should be considered from the cities and districts that have been affected and will be affected by future fires or emergency response.

Recommendation 04-01-02 The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Helicopter Program.

(A) As to the grand jury finding, the respondent disagrees wholly with the finding.

The City of El Cajon will, in no way, support any regional program, interim or established, that has not had the benefit of an in-depth needs/risk assessment to determine full disclosure of risk by cities, districts and the County. The idea of

equal need for such a program or for use of a regional response helicopter is not accepted by the City of El Cajon or its fire department. The City of El Cajon is well served in its present state and sees no need to pay for a service that it has not needed since its incorporation in 1912. The City of San Diego, with its 240 miles of canyon rim, high-rise construction and shoreline, and the County of San Diego with its thousands and thousands of acreage are far more susceptible to need than El Cajon. I believe any regional program should be addressed and funded based on need/risk and not population.

Consideration for a contract that provides service under an "as needed" basis, where cities or districts pay an hourly fee if needed and used, is much more acceptable from the viewpoint of the City of El Cajon.

(B) As to the grand jury recommendation, the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study.

Recommendation 04-01-03 The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and government fire agencies expedite the creation of a regional fire authority.

(A) As to the grand jury finding, the respondent agrees with the finding to the extent that first, a full needs/risk assessment be conducted and includes all parties affected by creating such an authority. There are far too many questions to be answered before the creation of any regional authority can be accomplished. I believe it is in the best interest of all of San Diego County, not to expedite the creation, but to rather expedite the process that leads to conclusion about such a program.

(B) As to the grand jury recommendation, the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study.

Recommendation 04-01-04 The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year-round Regional Fire and Rescue Helicopter program with two or more helicopters.

(A) As to the grand jury finding, the respondent disagrees wholly with the finding.

A priority-yes. The first priority-no. I believe funding a resource of one, two or more helicopters cost prohibitive considering the current economic situation of the districts and the cities, not to mention that of the County and the State.

Although funds may perhaps be procured from a combination of grants, private donation and possible other yet-to-be identified sources, I believe there to be a far greater need for the improvement of regional communication systems. A coordinated effort in fighting the county's wildfires and preparing for possible

disaster and terrorist activity holds a higher position of priority than one or two resources that can only be in one or two places at a time.

A strike team of engines, with personnel, can far greater satisfy the desires of a number of homeowners to have their homes and belongings protected and saved than a single resource that can only fly under certain conditions and provide restricted assistance.

It has been identified that the temporary Copter 1 additionally responded to a variety of other emergency incidents throughout the County. Although this is true, it should be noted that the majority of these incidents occurred in the City of San Diego and many were not the result of a 911 request. It should further be noted that the equipment described as inventory on Copter 1, though effective for certain situations is not inclusive to the extent that it can be considered replacement for a fully equipped-rescue, truck or engine accompanied by the number of personnel that responds to operate the equipment.

(B) As to the grand jury recommendation, the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study.

Recommendation 04-01-05 The Grand Jury recommends that the San Diego County Board of Supervisors work with all government fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

(A) As to the grand jury finding, the respondent agrees, in concept, with the finding.

As a Regional Fire Authority has not yet been created, and for the objections stated in the responses above, I believe it to be premature to consider the establishment, management or operation of any specific program.

However, as to the question of funding, any funding concept must include the associated element of risk for each agency.

(B) As to the grand jury recommendation, the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study.

Respectfully,

A handwritten signature in black ink, appearing to read "Ed Jarrell", written in a cursive style.

Ed Jarrell
Fire Chief
City of El Cajon



RECEIVED
JUN 22 2004

June 16, 2004

RECEIVED

JUN 24 2004
SAN DIEGO
COUNTY GRAND JURY

Presiding Judge of the Superior Court
330 W. Broadway
San Diego, CA 92101-3830

RE: Helicopter Response

Dear Honorable Judge:

As Fire Chief of the City of Chula Vista, I am responding on behalf of the Chula Vista Mayor and City Council to Grand Jury Report 2003/4-01 (herein "Report"). Before addressing the specific recommendations contained in the Report, I wish to clarify the position of the San Diego County Fire Chief's Association (SDCFCA) on the creation of a Regional Fire and Rescue Program. The SDCFCA has stated its unanimous support to employ the services of Conklin de Decker, a professional consultant to conduct a study regarding the feasibility of a regional helicopter program. This study is almost complete; the findings will be released June 14, 2004. The SDCFCA never has, nor ever reported, unanimous support of the Regional Fire and Rescue Helicopter Program. The City of Chula Vista does not believe that any decisions regarding a Regional Helicopter Program should be made before the results of the study are known.

The following is Chula Vista's response to recommendations in Report 2003/4-01:

04-04-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response: The City of Chula Vista disagrees with this recommendation. The funding for the above program should continue to be based on its current funding sources. Once a permanent helicopter program is developed, the City of Chula Vista is willing to participate in discussions to develop an appropriate funding mechanism.

447 F Street • MS F-200
Chula Vista, CA 91910

Phone (619) 691-5055
Fax (619) 691-5057



www.chulavistaca.gov
Post-Consumer Recycled Paper

04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Response:

The City of Chula Vista agrees that a regional fire authority is an effective option to manage the regional fire helicopter program, but the City does not want to come to any conclusions regarding a helicopter program until the study by Conklin de Decker is released. The City of Chula Vista supports the idea of developing a fire authority to address the significant problems in the under-funded unincorporated areas of San Diego. The City does not support the concept of a Regional Fire Authority with jurisdiction in areas with Fire Departments that are well funded. The Departments that are well funded have auto-aid and mutual-aid that meet the needs of the participating Fire Departments.

04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year-round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:

The City of Chula Vista does not support this recommendation. The study by Conklin de Decker should be completed before determining the number and type of resources needed. Once the study is completed, the Regional Helicopter Council should review the document and make a recommendation to the County Board of Supervisors. This is what the Council was established to do. We feel the process should be followed.

04-01-5

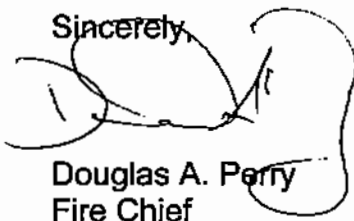
The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage and operate a Regional Fire and Rescue Helicopter Program.

Response:

The City of Chula Vista agrees with this concept. Once the study is complete and its recommendations evaluated, a fair and equitable distribution of the cost of the program should be established. Funding from each jurisdiction should be proportionate to the service provided to each jurisdiction. The decisions regarding funding should involve all parties that will be participating within the program. The City of Chula Vista genuinely

supports this type of program and will work productively with all agencies to make it happen.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Perry", written over the printed name.

Douglas A. Perry
Fire Chief



CITY OF
CHULA VISTA

OFFICE OF THE CITY ATTORNEY
LITIGATION

June 3, 2004

RECEIVED

JUN 07 2004

Previously

Approved 6/4 cw

VIA FACSIMILE AND U.S MAIL: (619) 515-8696

The Honorable Judge Einhorn
Superior Court Central Division
Presiding Department
220 West Broadway
San Diego, California 92101

Dear Judge Einhorn:

The City of Chula Vista respectfully requests an extension to file its comments to Grand Jury Report 2003/4-01. The comments are due on June 8, 2004, and we ask permission to file our response on June 16, 2004. The City's comments must be approved by the Chula Vista City Council and the first City Council meeting that the comments could be approved, is on Tuesday, June 15, 2004. The City of Chula Vista's comments would be delivered to you the next day, June 16, 2004. Thank you for your consideration in this matter.

Sincerely,

Nora Smyth
Deputy City Attorney

NS:jmm

Extension granted to 6/16/04.



OFFICE OF THE CITY ATTORNEY
LITIGATION DIVISION
276 FOURTH AVENUE
CHULA VISTA, CA 91910-2631

Return
Requested



U.S. POSTAGE
00733
METER 701360

7

The Honorable Judge Einhorn
Superior Court Central Division
Presiding Department
220 West Broadway
San Diego, California 92101

D24 ECELTMP 92101





Jeffrey R. Epp, City Attorney
(760) 839-4608, FAX (760) 741-7541
E-mail: Jepp@ci.escondido.ca.us

RECEIVED
JUN 08 2004
SAN DIEGO
COUNTY GRAND JURY

June 7, 2004

Laura Nicks
Grand Jury
County of San Diego – Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

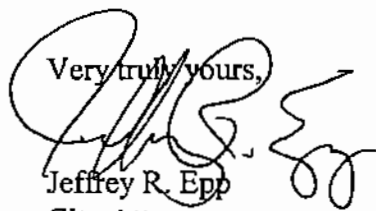
Re: Grand Jury Report entitled: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego Court?"

Dear Ms. Nicks:

Accompanying this letter is a copy of material which is responsive to your letter of March 3, 2004. That letter asked us to furnish the Grand Jury with the City's comments on the San Diego Grand Jury 2003-2004 Report. The original response letter was submitted directly to the Honorable John Einhorn, Presiding Judge of the Superior Court on June 7, 2004.

If you need additional information, or seek clarification of what we have provided, please do not hesitate to call me directly at the number noted above.

Very truly yours,


Jeffrey R. Epp
City Attorney

JRE:bc

Cc: Clay Phillips, City Manager for Escondido (w/out enclosure)



Victor L. Reed
Fire Chief
Escondido Fire Department
201 North Broadway, Escondido, CA 92025
Phone: 760-839-5401 Fax: 760-739-7060
E-mail: vreed@ci.escondido.ca.us

RECEIVED

June 7, 2004

JUN 08 2004
SAN DIEGO
COUNTY GRAND JURY

Honorable John Einhorn
Presiding Judge of the Superior Court
220 W. Broadway
San Diego, CA 92101-3888

Re: San Diego Grand Jury 2003-2004 Report: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"

Dear Judge Einhorn:

On March 10, 2004, a Grand Jury report entitled "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?" was released to the public by the San Diego County Grand Jury. Pursuant to California Penal Code §933.05(c), the City of Escondido provides this comment within 90-days of the date of the Grand Jury Report.

The Grand Jury is correct in its findings that there is no program in San Diego County that can provide the same year round comprehensive services that County Copter 1 provides at this time. There are in fact multiple programs that one can access for helicopter services in various areas from firefighting to medical transport and some technical rescue, but none have the total capabilities of County Copter 1. In addition, each separate service comes with different operational policy, protocols, or notification procedures.

Additionally, the Grand Jury notes the lack of a valid regional fire authority that can effectively operate a Regional Fire and Rescue Helicopter Program as recommended. The San Diego County Fire Chiefs Association has recommended to the County Board of Supervisors that just such an authority be considered, and that the helicopter program be one of many programs falling within their oversight.

Grand Jury recommendation 04-01-2 recommends that both the County Board of Supervisors and the City of San Diego work to develop cooperative agreements with local cities and fire districts to secure funding for the helicopter program. The City of Escondido partially disagrees with the recommendation of the Grand Jury. We find it premature in nature prior to finalization of the consultant reports and unmindful of the fiscal constraints now affecting local government.

The Grand Jury has rightly observed in their report that there are budget constraints at all levels of government. While funding options are critical for program implementation making this recommendation warranted, the City of Escondido like many cities is currently operating at the expense of our economic uncertainty reserves and would find it impossible to incur new program

expenses of any kind without additional new revenue sources to meet the fiscal impacts associated with the proposed new program.

Additionally, much of the area existing as open space and susceptible to large wild land fires falls within unincorporated areas. Many of these fires are directly or indirectly impacting cities within San Diego County. Many cities have developed, funded and staffed fire agencies within their jurisdictions, and have provided those firefighting forces to many of the rural areas on an annual basis, sometimes at great expense. The City of Escondido feels that the County of San Diego has not provided an adequate share of revenue for firefighting within San Diego County. Any analysis of funding a regional helicopter program must strongly consider the percentage of risks associated with each agency and their need for such a resource.

Both the County and City of San Diego have opened dialogue with an appointed group representing City Managers and Fire Chiefs from area cities. Missing from this group is representation from local fire districts which will be potentially impacted by this recommendation. The group is awaiting two reports: one from Conklin & de Decker Associates Inc., referencing the need for a Regional Fire Rescue Helicopter Program; and another from the Governors Blue Ribbon Commission appointed to review and provide recommendations, referencing the fire siege experienced in Southern California during the fall of 2003.

Grand Jury recommendation 04-01-3 recommends that the San Diego County Board of Supervisors, in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies, expedite the creation of a regional fire authority.

The City of Escondido partially disagrees with the Grand Jury recommendation. While there may be savings in the concept of a regional approach to fire services, the formation of such an entity from so many diverse and severely ill funded agencies already in existence lends itself to a measured and unexpedited approach. Adequate funding must first be secured for a regional fire authority representing the unincorporated areas to assure cities that dilution of their fire service tax dollars does not occur.

Grand Jury recommendation 04-01-4 recommends that the San Diego County Board of Supervisors' first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

The City of Escondido partially disagrees with the recommendation of the Grand Jury. If the main focus of a Regional Fire Authority is to only administer a helicopter program then the Grand Jury recommendation is appropriate. However, owing to the fact that many unincorporated areas are currently under staffed and unprepared to serve the public at an adequate level of fire/rescue and emergency medical service in a majority of their responses does not support the priority given to this recommendation. Rather, a newly formed regional authority should be given leeway to establish priorities based on professional staff working closely with their elected body.

June 7, 2004

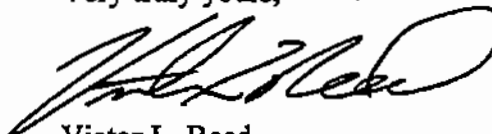
Page 3

Grand Jury recommendation 04-01-5 recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage and operate a Regional Fire and Rescue Helicopter Program.

Again the City of Escondido must partially disagree with the Grand Jury recommendation. We would refer to our response for recommendation 04-01-2.

In summary, the City of Escondido feels the Grand Jury report to be pre-mature in some recommendations, yet does not completely disagree with any of the recommendations. The City feels a measured approach is the best way to proceed and that the County of San Diego must provide adequate revenues to the existing fire service problem and the formation of a Regional Fire Authority for the unincorporated communities in San Diego County.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor L. Reed", written in a cursive style.

Victor L. Reed
Fire Chief

VLR:bc

cc: Grand Jury for the County of San Diego

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JUN 08 2004

**SAN DIEGO
COUNTY GRAND JURY**

**The Bonita-Sunnyside Fire Protection District's
Response to the
San Diego County Grand Jury Recommendations
May 7, 2004**

Recommendation 04-01-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

The Bonita-Sunnyside Fire Protection District agrees with the finding.

The recommendation requires further analysis.

A meeting of the San Diego County and City Managers Association (CCMA) was held in December 2003 to discuss possible funding mechanisms that would ensure that a full-time fire and rescue helicopter program would be available throughout the San Diego County region. One of the possible funding mechanisms that were discussed included the development of a County Joint Powers Agreement (JPA). It was suggested that the San Diego County Hazardous Materials Response Team (HIRT) funding formula may serve as a model for a countywide air operations program.

No decisions were made at this meeting. The fiscal challenges that currently exist for each city, fire district and the county coupled with the unknown nature of the State of California's upcoming budget, made it extremely difficult, if not impossible, for each entity to commit to fiscally supporting a regional fire and rescue helicopter program at that time. A subcommittee of CCMA was identified at this meeting. The subcommittee was tasked with gathering additional information and to make recommendations to be presented to the full CCMA membership at a later date.

Recommendation 04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

The Bonita-Sunnyside Fire Protection District has not formed an opinion on this recommendation.

The recommendation requires further analysis.

City of San Diego Mayor Murphy and County Supervisor Greg Cox established the San Diego regional Fire Prevention and Emergency Preparedness Task Force in December 2003. The goal

of the Task Force is "To provide a forum for representatives of all public safety disciplines to review, discuss and develop proposals for all risk service enhancements in the San Diego region". LAFCO representatives are members of the Task Force and provide updated information on the status of the development of a regional fire authority. It is anticipated that this may be a long term objective for the County of San Diego.

Recommendation 04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year-round Regional Fire and Rescue Helicopter Program with two or more helicopters.

The Bonita-Sunnyside Fire Protection District agrees with the finding.

With the establishment of the Fire and Life Safety Helicopter Operating Council this recommendation should be achievable within the next fiscal year. Funding has been approved by the County Board of Supervisors for the procurement of a helicopter. The City of San Diego and the County Board of Supervisors are developing draft budget recommendations for the operation and maintenance of the regional helicopter program. The City of San Diego is continuing pursuit of grants, sponsors and donations for the program.

Recommendation 04-01-5

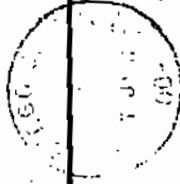
The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

The Bonita-Sunnyside Fire Protection District agrees with the finding.

This recommendation may be implemented in the future.

Members of the San Diego County Fire Chiefs' Association are participating on the San Diego Regional Fire Prevention and Emergency Preparedness Task Force and the Fire and Life Safety Helicopter Operating Council in pursuit of this objective. Both groups should complete their respective reports by July 2004.

Bonita - Sunnyside
Fire Protection District
4900 Bonita Rd., Bonita, CA 91902-1725



San Diego County Grand Jury
Hall of Justice
330 W. Broadway, Suite 477
San Diego, Ca. 92101-3830

92101+3830 Fire Prevention Is Everyone's Business

ORIGINAL



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JUN 16 2004
SAN DIEGO
COUNTY GRAND JURY

TO: Superior Court

ATTENTION: Presiding Judge of the Superior Court

FAX NUMBER: 619 515-8696

DATE SENT: June 16, 2004

FROM: Douglas A. Perry, Fire Chief

NUMBER OF PAGES INCLUDING COVER SHEET: 4

This facsimile and the information it contains is intended to be confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone and return the original fax to the address listed above by mail.

COMMENTS:

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VIA FAX
JUN 16 2004
SAN DIEGO
COUNTY GRAND JURY
cam

June 16, 2004

Presiding Judge of the Superior Court
330 W. Broadway
San Diego, CA 92101-3830

RE: Helicopter Response

Dear Honorable Judge:

As Fire Chief of the City of Chula Vista, I am responding on behalf of the Chula Vista Mayor and City Council to Grand Jury Report 2003/4-01 (herein "Report"). Before addressing the specific recommendations contained in the Report, I wish to clarify the position of the San Diego County Fire Chiefs Association (SDCFCA) on the creation of a Regional Fire and Rescue Program. The SDCFCA has stated its unanimous support to employ the services of Conklin de Decker, a professional consultant to conduct a study regarding the feasibility of a regional helicopter program. This study is almost complete; the findings will be released June 14, 2004. The SDCFCA never has, nor ever reported, unanimous support of the Regional Fire and Rescue Helicopter Program. The City of Chula Vista does not believe that any decisions regarding a Regional Helicopter Program should be made before the results of the study are known.

The following is Chula Vista's response to recommendations in Report 2003/4-01:

04-04-2

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim; operation of the San Diego Regional Fire and Rescue Helicopter Program.

Response: The City of Chula Vista disagrees with this recommendation. The funding for the above program should continue to be based on its current funding sources. Once a permanent helicopter program is developed, the City of Chula Vista is willing to participate in discussions to develop an appropriate funding mechanism.

447 F Street • MS F-200
Chula Vista, CA 91910

Phone (619) 691-5055
Fax (619) 691-5057



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Post-Consumer Recycled Paper

04-01-3

The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

Response:

The City of Chula Vista agrees that a regional fire authority is an effective option to manage the regional fire helicopter program, but the City does not want to come to any conclusions regarding a helicopter program until the study by Conklin de Decker is released. The City of Chula Vista supports the idea of developing a fire authority to address the significant problems in the under-funded unincorporated areas of San Diego. The City does not support the concept of a Regional Fire Authority with jurisdiction in areas with Fire Departments that are well funded. The Departments that are well funded have auto-aid and mutual-aid that meet the needs of the participating Fire Departments.

04-01-4

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year-round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Response:

The City of Chula Vista does not support this recommendation. The study by Conklin de Decker should be completed before determining the number and type of resources needed. Once the study is completed, the Regional Helicopter Council should review the document and make a recommendation to the County Board of Supervisors. This is what the Council was established to do. We feel the process should be followed.

04-01-5

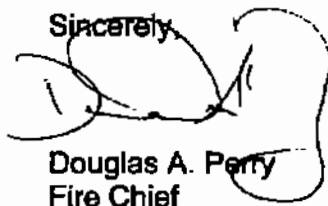
The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage and operate a Regional Fire and Rescue Helicopter Program.

Response:

The City of Chula Vista agrees with this concept. Once the study is complete and its recommendations evaluated, a fair and equitable distribution of the cost of the program should be established. Funding from each jurisdiction should be proportionate to the service provided to each jurisdiction. The decisions regarding funding should involve all parties that will be participating within the program. The City of Chula Vista genuinely

supports this type of program and will work productively with all agencies to make it happen.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Perry", written over a horizontal line.

**Douglas A. Perry
Fire Chief**



San Miguel Consolidated Fire Protection District

Serving the communities of Casa de Oro, Grossmont/Mt. Helix, La Presa, Rancho San Diego, Spring Valley, unincorporated areas of El Cajon and La Mesa, and the City of Lemon Grove

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JUN 22 2004

**SAN DIEGO
COUNTY GRAND JURY**

June 16, 2004

Grand Jury
County of San Diego
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Attention: Presiding Judge of the Superior Court

Reference: Grand Jury Report entitled: "Is there a need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"

Response to Recommendation 04-01-3: "The Grand Jury recommends the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority." and;

While I support the concept of a regional fire authority within San Diego County, there are several issues to consider. Bigger is not always better. Bigger is not always more efficient. In my opinion the level of service my agency, the San Miguel Consolidated Fire District, provides its citizens is as efficient and thorough as the largest fire agency in the County, San Diego City Fire and Life Safety Services. It is not my intent to take anything away from San Diego City. They provide a very high level of service to their community. The point I wish to make is I feel that even though we are only approximately 1/8th the size of the City of San Diego's Fire Department, our service to the community is outstanding and the cost of providing that service is very reasonable.

Now, with that being said, I do support a regionalized fire agency. For operational efficiencies of communications, dispatch services and standardized training, it makes sense. I feel for a newly created regional fire agency to be successful, some form of additional funding will be necessary. That funding could come from several areas and it is not my intent to identify those here. What the County is made up of now are several marginally funded or under-funded fire agencies. If those were to merge into one agency

without additional funding, you would simply have one large, marginally or under funded agency.

The Cedar Fire did not prove that the fire agencies serving this County are "dysfunctional" or are a "hodge-podge of groups acting independently throughout the County" as the media reported. What the Cedar Fire did prove was that the auto and mutual aid system in this County and State works very well. What was also proved was that fire protection in this County is a low funding priority. Unless that changes, a larger, regional fire agency will not change our ability to address a Cedar-type incident.

In order for this regional fire agency to improve the level of service to its citizens, it needs to provide additional staffing on a daily basis. This should be accomplished by providing 4-personnel on existing, strategically located apparatus. Also, the number of apparatus available on a daily basis needs to be increased. This can be accomplished two ways; by adding a second apparatus to existing fire stations and by adding a fire station in those areas that are inadequately served.

I think one of the reasons fire agencies in this County have survived is they are very resourceful. This can be a double-edged sword. What I mean by this is although the demand for service throughout the County has quadrupled over the years, our funding for providing the service has not. Yet, the fire agencies of the County have always found a way to provide the required service. The problem has been since the fire agencies have found ways to provide service; increased funding has been diverted to other areas. The weaknesses in our funding became evident during the Cedar Fire. This problem has been developing for years. As population grows, urban sprawl spreads into the Urban/Wildland Interface areas. Our funding has not grown at a rate that enables us to provide adequate protection for the citizens that live in these areas. That will not change with one, larger fire agency.

Response to Recommendation 04-01-05: "The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program."

While I recognize the need for a regional, multi-mission, fire and rescue helicopter, should that be our top priority? Since the Cedar Fire, public officials, the media and various fire professionals have called for a fleet of fire and rescue helicopters giving the public the impression that the fire's outcome would have been different had we had them. With a wind-driven fire of this magnitude that simply is not the case. The greatest opportunity to save more property was with more fire engines. Backfires started and managed by ground resources offer the greatest chance of protecting structures during a large, wind-driven fire.

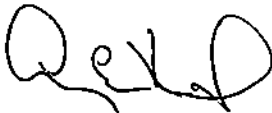
However, that being said, San Diego County is in need of a regional fire and rescue helicopter. Who should provide this resource is open to much debate. At this time, I don't have an answer. I have talked with Sheriff's Department executives who assure me

pilots, mechanics, hangers and all necessary support to provide a fire and rescue helicopter. My concern with respect to a helicopter is we have the City and County of San Diego along with various grants funding multiple proposed helicopters and have yet to accurately identify what our actual needs are. In addition, the California Department of Forestry and Fire Protection, the United States Forest Service and the San Diego County Sheriff's Department all have helicopters equipped to fight fire.

It is my recommendation that we fund one regional fire and rescue helicopter, operate it for one or two fire seasons and then make a determination whether or not we need additional air resources. Air resources are tremendously expensive and only effective when used in conjunction with adequate ground resources.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry E. Kinard', with a stylized flourish at the end.

Larry E. Kinard

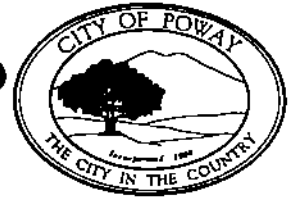
Fire Chief

lkinard@smgfire.org

CITY OF POWAY

MICKEY CAFAGNA, Mayor
DON HIGGINSON, Deputy Mayor
BOB EMERY, Councilmember
JAY GOLDBY, Councilmember
BETTY REXFORD, Councilmember

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AUG 23 2004
SAN DIEGO
COUNTY GRAND JURY

August 20, 2004

Presiding Judge of the Superior Court
Grand Jury of the County of San Diego
Hall of Justice
333 West Broadway, Suite 477
San Diego, CA 92101-3830

Re: Response to the San Diego County Grand Jury Report Entitled, "Is There a Need for a Regional Fire Authority and Rescue Helicopter(s) in San Diego County"?

Dear Presiding Judge:

The San Diego County Grand Jury issued a report entitled, "Is There a Need for a Regional Fire Authority and Rescue Helicopter(s) in San Diego County"? The Poway Fire Department is named as a responding agency and is required to submit to the presiding judge of the Superior Court, written comments to the Grand Jury report findings and recommendations. As a named responding agency, the following represents the written response from the Poway Fire Department.

Grand Jury Findings:

Grand Jury Finding One

County Copter One, operated by San Diego Fire-Rescue, has been in service for two years and has been funded by the City of San Diego.

Grand Jury Finding Two

The County Copter One program provides 53 San Diego County fire agencies with services that are comprehensive, year round and not duplicated by any other single resource in the County. Based on similarly sized counties, there should be two or more helicopters in the program.

Grand Jury Finding Three

County Copter One transported the "first strike," wildfire ground team, known as the Sycuan Golden Eagle Hotshot Crew, for insertion at fire scenes across the County.

City Hall Located at 13325 Civic Center Drive

Mailing Address: P.O. Box 789, Poway, California 92074-0789 • (858) 668-4400

FAX 668-1200

Grand Jury Finding Four

County Copter One can deliver a 375-gallon water/retardant drop and can carry additional tools or replacement equipment to remote areas.

Grand Jury Finding Five

A fire/rescue helicopter hoist could be used for high-rise building victim extraction during fires or life-threatening emergencies.

Grand Jury Finding Six

The proposed helicopter(s) should be classified as Advanced Life Support Rescue Aircraft. This classification requires a minimum of two (2) trained and qualified aircrew members and one flight paramedic responding with the helicopter to all air supported emergency incidents.

Grand Jury Finding Seven

The privately operated air ambulance, Mercy Air, has an MOU with the Fire and Rescue Helicopter Program that provides a review process after each incident assuring that all appropriate measures were carried out.

Grand Jury Finding Eight

Many public agencies, task forces and others support the need for a Regional Fire and Rescue Helicopter Program.

Grand Jury Finding Nine

The San Diego County Fire Chiefs Association recommended to the Board of Supervisors that a professional consultant be utilized to conduct a study to examine helicopter firefighting requirements in San Diego County, as well as recommend the level of needed protection, how to achieve that level of protection and the necessary funding.

Poway Fire Department Response

The Poway Fire Department agrees with Grand Jury findings number one through nine, and adds the following to Grand Jury finding number two: There are existing helicopter programs currently operating within the County of San Diego that provide a portion of the services that are provided by County Copter One and Two.

Grand Jury Recommendation 04-01-02

The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the County to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Poway Fire Department Response

The City of San Diego and the County of San Diego have recently set aside monies to interimly fund the continuing operation of the existing County Copter One Fire and

Rescue Helicopter and to interimly fund the operation of a second Regional Fire and Rescue Helicopter for the upcoming fire season. This does not preclude the City or the County from seeking funding from other cities to replace those interim monies. Several cities in the County, already participate in a cooperative agreement with County Copter One operator, City of San Diego Fire Department, to periodically provide free-of-charge Fire fighter/Paramedics to staff County Copter One.

Any developed financial commitment formula for interim operation of Fire and Rescue Helicopters needs to take into consideration the current and future use of individual fire agency personnel to staff the Regional Fire and Rescue Helicopter Program. Further, any financial commitment by the City of Poway to support interim funding for services by County Copter One and/or the second Regional Fire and Rescue Helicopter is a City Council policy decision.

Grand Jury Recommendation 04-01-03

The Grand Jury recommends that the San Diego County Board of Supervisors, in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies, expedite the creation of a Regional Fire Authority.

Poway Fire Department Response:

The Grand Jury report does not identify the scope or jurisdiction of the Regional Fire Authority. In the context of actions taken by the Board of Supervisors, the currently identified jurisdiction of the Regional Fire Authority would be to provide fire protection services only in the unincorporated areas of San Diego County. We support the Board of Supervisors' actions in taking responsibility for fire protection services in the unincorporated areas of San Diego County. However, it is uncertain that the Regional Fire Authority referred to in the Grand Jury Report is what some County officials envision when they are discussing the consolidation of rural, unincorporated County fire districts. It is difficult for policymakers to weigh in on the creation of a Regional Fire Authority while its jurisdiction and scope of services remain undefined. We therefore, cannot comment on the creation of a Regional Fire Authority that may place controls or mandates upon individual fire agencies within the region.

However, the formation process of the Regional Fire Authority seems to already be underway. The San Diego County Board of Supervisors has established the Fire and Life Safety Helicopter Operating Council and appears to be working to mature this Council into a Regional Fire Authority.

Grand Jury Recommendation 04-01-01

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a Regional Fire Authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Poway Fire Department Response:

The City of San Diego Retained Conklin & de Decker as a consultant to provide in-depth research and recommendations regarding the necessity, number, placement and location of dedicated, regional, Fire/Rescue Helicopters. Shortly after their retention, the County of San Diego provided supplemental funding for the consultant study. The consultant has reported to the Fire and Life Safety Helicopter Operating Council their recommendation for the permanent acquisition and year round staffing of three (3) dedicated, regional Fire/Rescue Helicopters. The Poway Fire Department concurs with the consultant's findings and recommendations. The Fire and Life Safety Helicopter Operating Council views the acquisition and operation of a Regional Fire Helicopter Program as an appropriate goal for the region. An analysis of pre-established or existing methods that could operate and manage a Regional Helicopter Program is both necessary and warranted in order to minimize additional layers of government while improving fire service within the region.

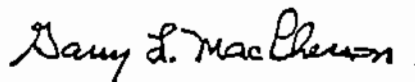
Grand Jury Recommendation 04-01-05

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Poway Fire Department Response:

Funding a Regional Fire and Rescue Helicopter Program will require cooperation at all levels of government. This recommendation relates specifically to fire agencies. There may be other viable funding sources beyond fire agencies. The Board of Supervisors has teamed with LAFCO to identify funding sources. A variety of funding formulas will be explored. Some of those formulas will be acceptable, others will not. Any developed financial commitment formula needs to take into consideration the current and future use of individual fire agency personnel to staff the Regional Fire and Rescue Helicopter Program. As the process unfolds, the Poway City Council will make policy decisions regarding proposed funding scenarios.

Respectfully submitted,



Garry L. MacPherson, Division Fire Chief
for Mark A. Sanchez, Director of Safety Services



*City of
Encinitas*

August 18, 2004

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AUG 23 2004

**SAN DIEGO
COUNTY GRAND JURY**

Presiding Judge of the Superior Court
Grand Jury of the County of San Diego
Hall of Justice
333 West Broadway, Suite 477
San Diego, California 92101-3830

Re: Response to the San Diego County Grand Jury Report Entitled, "Is There A Need For A Regional Fire Authority And Rescue Helicopters In San Diego County?"

The San Diego County Grand Jury issued a report entitled, "Is There A Need For A Regional Fire Authority And Rescue Helicopters In San Diego County?" The Encinitas Fire Department is named as a Responding Agency and is required to submit to the Presiding Judge of the Superior Court by August 23, 2004, written comments to the Grand Jury Report Findings and Recommendations. As a named Responding Agency, the following represents the written response from the Encinitas Fire Department.

Grand Jury Findings

Grand Jury Finding One

County Copter One, operated by San Diego Fire-Rescue, has been in service for two years and has been funded by the City of San Diego.

Grand Jury Finding Two

The County Copter One program provides 53 San Diego County fire agencies with services that are comprehensive, year round and not duplicated by any other single resource in the County. Based on similarly sized counties, there should be two or more helicopters in the program.

Grand Jury Finding Three

County Copter One transported the "first strike: wildfire ground team, known as the Sycuan Golden Eagle Hotshot crew, for insertion at fire scenes across the County.

Grand Jury Finding Four

County Copter One can deliver a 375-gallon water/retardant drop and can carry additional tools or replacement equipment to remote areas.

Grand Jury Finding Five

A fire/rescue helicopter hoist could be used for high-rise building victim extraction during fires or life-threatening emergencies.

Grand Jury Finding Six

The proposed helicopter(s) should be classified as Advanced Life Support Rescue Aircraft. This classification requires a minimum of 2 trained and qualified aircrew members and one flight paramedic responding with the helicopter to all air supported emergency incidents.

Grand Jury Finding Seven

The privately operated air ambulance, Mercy Air, has an MOU with the Fire and Rescue Helicopter program that provides a review process after each incident assuring that all appropriate measures were carried out.

Grand Jury Finding Eight

Many public agencies, task forces and other support the need for a Regional Fire and Rescue Helicopter Program.

Grand Jury Finding Nine

The San Diego County Fire Chiefs Association recommended to the Board of Supervisors that a professional consultant be utilized to conduct a study to examine helicopter firefighting requirements in San Diego County, as well as to recommend the level of needed protection, how to achieve that level of protection and the necessary funding.

Encinitas Fire Department Response

The Encinitas Fire Department agrees with Grand Jury Finding Numbers One through Nine and adds the following to Grand Jury Finding Number Two: There are existing helicopter programs currently operating within the County of San Diego that provide a portion of the services that are provided by County Copter One.

Grand Jury Recommendations

Grand Jury Recommendation 04-01-02

The Grand Jury recommends that the San Diego Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the County to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

Encinitas Fire Department Response

The City of San Diego and the County of San Diego have recently set aside monies for the interim funding of the existing County Copter One Fire and Rescue Helicopter and for the interim funding of the operation of a second Regional Fire and Rescue Helicopter for the upcoming fire season. This does not preclude the City or the County from seeking funding from other cities to replace those interim monies. Encinitas currently does not provide direct funding for county Copter One.

Any developed financial commitment formula for interim operation of the Fire and Rescue Helicopters needs to take into consideration the current and future use of individual fire agency personnel to staff the Regional Fire and Rescue Helicopter Program. Any financial commitment by the City of Encinitas to support interim funding for services by either County Copter One or the second Regional Fire and Rescue Helicopter is a City Council policy decision.

Grand Jury Recommendation 04-01-03

The Grand Jury recommends that the San Diego County Board of Supervisors, in cooperation with the San Diego Local Agency Formation Commission and other city and governmental fire agencies, expedite the creation of a Regional Fire Authority.

Encinitas Fire Department Response

The Grand Jury report does not identify the scope or jurisdiction of the Regional Fire Authority. In the context of the recent actions taken by the Board of Supervisors, the currently identified jurisdiction of the Regional Fire Authority would be to provide fire protection services only in the unincorporated areas of San Diego County. We support the Board of Supervisors' actions in taking responsibility for fire protection services in the unincorporated areas of San Diego County. However it is uncertain that the Regional Fire Authority referred to in the Grand Jury Report is what some County officials envision when they are discussing the consolidation of rural, unincorporated County fire districts. It is difficult for policymakers to weigh in on the creation of a Regional Fire Authority while its jurisdiction and scope of

services remain undefined. We therefore cannot comment on the creation of a Regional Fire Authority that may place controls or mandates upon individual fire agencies within the region.

Grand Jury Recommendation 04-01-04

The Grand Jury recommends that the San Diego County Board of Supervisors make the first priority of a Regional Fire Authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

Encinitas Fire Department Response

The City of San Diego retained Conklin & de Decker as a consultant to provide in-depth research and recommendations regarding the necessity, number, placement and location of dedicated, regional Fire/Rescue Helicopters. Shortly after their retention, the County of San Diego provided supplemental funding for the consultant study. The consultant has recently reported to the Fire and Life Safety Helicopter Operating Council their recommendation for the permanent acquisition and year round staffing of 3 dedicated regional Fire/Rescue Helicopters. The Fire and Life Safety Helicopter Operating Council viewed the acquisition and operation of a Regional Fire Helicopter Program as an appropriate goal for the region. An analysis of pre-established or existing methods that could operate and manage a Regional Helicopter Program is both necessary and warranted in order to minimize additional layers of government while improving fire service within the region.

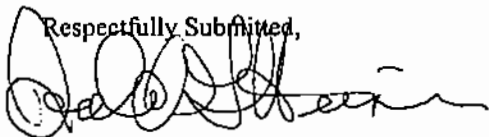
Grand Jury Recommendation 04-01-05

The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

Encinitas Fire Department Response

Funding a Regional Fire and Rescue Helicopter Program will require cooperation at all levels of government. This recommendation relates specifically to fire agencies. There may be other viable funding sources beyond fire agencies. The Board of Supervisors has recently teamed with LAFCO to identify funding sources. A variety of funding formulas will be explored. Some of those formulas will be acceptable, others will not. As the process unfolds, the Encinitas City Council will make policy decisions regarding proposed funding scenarios.

Respectfully Submitted,



Donald G. Heiser
Fire Chief

cc William L. Westlake, Foreman



*Serving the Communities
of Escondido and Crest*

EAST COUNTY FIRE PROTECTION DISTRICT

1811 SUNCREST BLVD., EL CAJON, CA 92021-4246

PHONE (619) 579-6034 FAX (619) 579-1148

www.eastcountyfire.org

DARRELL JOBES
Fire Chief

August 19, 2004

Mr. William L. Westlake, Foreman
San Diego County Grand Jury
P.O. Box 122724
San Diego, CA. 92112-2724

RE: Regional Helicopter

Dear Sir:

I apologize for the delay in this response, we are a small agency and this was filed instead of being responded to.

This District agrees that San Diego County needs a regional Helicopter Program; the problem rests in what will be cut to fund such a program. My Fire District has used a rescue helicopter two times in the last thirty years, while we use a medical transport helicopter several times a year. The California Department of Forestry and Fire Protection have filled the need for a fire helicopter for Wildland fires. We know and accept that in some cases that helicopter may not be available which could be the same for a regional Helicopter.

Recommendation 04-01-2:

As a small Fire District we cannot support funding a helicopter program when the State provides air support for Wildland fires in our jurisdiction, to fund such a program would require the layoff of firefighters. Any costs associated with a Regional Helicopter should come from a regional authority, not individual cities and districts.

Recommendation 04-01-3:

We agree with this recommendation. The unincorporated County is underserved and requires a comprehensive fire and emergency service delivery system.

Recommendation 04-01-4:

We agree with this recommendation.

AUG 23 2004

SAN DIEGO
COUNTY GRAND JURY

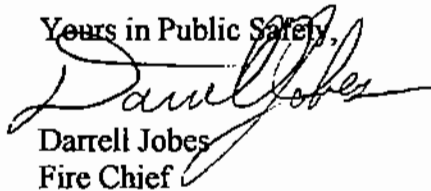
Recommendation 04-01-5:

We agree with this recommendation as long as it is clear that the helicopters be implemented after a Regional Fire Authority is in place and has addressed the need for firefighters, fire engines and fire stations. We cannot put out fires without the ground resources. Helicopters do not put out fires, they assist the ground resources.

Please remember that fires are a very small part of our responsibilities, almost 80% of our requests for service are medical aid related.

Should you have any questions, please feel free to contact me.

Yours in Public Safety,

A handwritten signature in black ink, appearing to read "Darrell Jobes", written over the printed name and title.

Darrell Jobes
Fire Chief



EAST COUNTY FIRE PROTECTION DISTRICT

1811 SUNCREST BLVD., EL CAJON, CA 92021-4246

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DARRELL JOBES
Fire Chief

*Serving the Communities
of Bostonia and Crest*

August 19, 2004

Mr. William L. Westlake, Foreman
San Diego County Grand Jury
P.O. Box 122724
San Diego, CA. 92112-2724

AUG 23 2004
SAN DIEGO
COUNTY GRAND JURY

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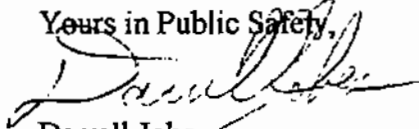
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Should you have any questions, please feel free to contact me.

Yours in Public Safety,



Darrell Jobes
Fire Chief

DIRECTORS
Dan Hulings
Doug Anderson
W.D. "Bill" Knutson
Mike Filzsimmons
John B. Lytle

GENERAL MANAGER
Susan M. Collins

COUNSEL
Kent H. Foster

ENGINEER
Linden R. Burzell



MUNICIPAL WATER DISTRICT

P.O. BOX 177, 34928 VALLEY CENTER ROAD
PAUMA VALLEY, CALIFORNIA 92061-0177
TELEPHONE — AREA CODE (760) 742-3704
FAX — AREA CODE (760) 742-2069
yuimamwd.org

RECEIVED

AUG 24 2004

August 19, 2004

Honorable John S. Einhorn
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report: *Is There a Need for A Regional Fire Authority and Rescue Helicopters in San Diego County?*

Dear Judge Einhorn:

According to the correspondence we received today, August 19, 2004, the Yuima Municipal Water District is apparently required to comment on the above-referenced Grand Jury report. Our delay in responding arises from the fact that the Grand Jury failed to send us a copy of the report upon which we are instructed to make comment. Instead, they sent our copy to Chief Kevin O'Leary of the California Department of Forestry, who forwarded the information to us as of even date.

Here are our solicited comments on the Report, together with some unsolicited comments on the process:

I. Comments on Findings

I find no fault with this amorphous recitation of interesting facts and figures concerning the history of the use of helicopters in firefighting. It seems self-evident that a helicopter might be of use in extracting people from burning buildings, especially when such buildings are taller than the ladders available on fire trucks. I should mention, however, that I have made no effort to check any of these facts.

Further, I see no reason why a fire rescue helicopter should not be classified as an "Advanced Life Support Rescue Aircraft," since that is self-evidently what one is.

SAVE ME



II. Comments on Recommendations

- 04-01-1 We agree that it is a good idea for the San Diego Regional Fire and Rescue Helicopter Program not to stop rescuing people while the agencies involved are trying to form a regional fire authority.
- 04-01-2 We do not agree that the San Diego County Board of Supervisors should work with the City of San Diego to figure out a way to make other people pay for their helicopter. However, once a regional authority is formed, it makes sense for the participants in that organization to pay their fair share of the costs which they jointly incur.
- 04-01-3 We agree that LAFCO should be approached by a coalition of all affected agencies to approve a regional fire authority; we do not agree that the San Diego County Board of Supervisors should necessarily be the lead agency in doing so without further discussions among all affected parties.
- 04-01-4 We agree that the principal reason for forming a regional fire authority is the permanent acquisition and operation of two year-round fire and rescue helicopters.
- 04-01-5 We agree with the self-evident point that if a regional fire authority is formed for the principal purpose of buying two helicopters, the authority so formed should raise money and pay for them.
- 04-01-6 We do not agree that the County Board of Supervisors should be guided by the recommendations of a consultant, hired by the City, who has already decided, without consultation with the rest of us, that the City should run the program. We believe that the decision as to what kind of helicopter to buy should be made by the regional fire authority which is being established for the principal purpose of owning and operating those helicopters. The new regional authority should be guided in its choice not by a consultant, but by the experts in the field, namely the California Department of Forestry and the U.S. Forest Service.

III. Comments on the Process

- A. It does not appear that the San Diego County Grand Jury has any relevant expertise on this subject. Their report contains no new insights, develops no new data, and makes no new recommendations which are unique or contribute in any way toward a better understanding of the problem at hand.
- B. It seems that the preparation of this report has, and will continue to be, a waste of the Court's time, not to mention the time of the thirty-seven agencies that have been required to comment upon their findings.

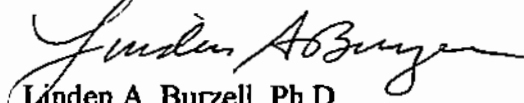
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In all candor, it vexes me to be required by law to respond to a report which in my opinion should never have been written, which was prepared by people who are not qualified to do so, and upon a subject which is not (or at least should not be) within the jurisdiction of any kind of jury, Grand or not.

I would be happy to discuss this matter further, at any time convenient to you, in the hope that there can be some kind of remedy that would prevent the preparation of such reports in the future.

Sincerely,

YUIMA MUNICIPAL WATER DISTRICT


Linden A. Burzell, Ph.D.
General Manager

SAN DIEGO RURAL

FIRE PROTECTION DISTRICT
14145 HIGHWAY 94
JAMUL, CALIFORNIA 91935
(619) 669-1188 FAX (619) 669-1798

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AUG 26 2004

SAN DIEGO
COUNTY GRAND JURY

August 23, 2004

William Westlake, Foreman
Grand Jury
330 West Broadway, Suite 477
San Diego, Ca 92101-3830

Re: Response to "Is there a need for a Regional Fire Authority and Rescue Helicopter in San Diego County?"

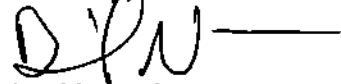
Dear Mr. Westlake,

Below you will find the Fire Districts response to the Grand Jury's recommendations regarding the report titled above. First let me say that this report is so biased towards the implementation of a San Diego City based helicopter program (**I am in favor of a regional based helicopter program, as is the case with the Sheriff's program**) that it lacks any credibility. Further, I find it to lack credibility as neither the California Department of Forestry, nor US Forest Service is even listed as reference points in this report. This report is so highly slanted towards San Diego City that the casual reader could only be in favor of such a program, without all of the facts being presented.

A helicopter program will not replace the need for having firefighters on the ground. As it stands now the Fire Service in this County has worked diligently to come up with a plan for a regionalized fire agency. The obvious bottom line is funding this agency and where those funds will come from. I would also like to comment that when it comes to having a regional helicopter program it seems that there is no shortage of money to purchase, staff, and operate multiple air craft, however when we talk about ground resources and putting firefighters on the street there isn't a dollar to be found. I sincerely hope that community politicians have not placed the greater community at risk by backing and financially supporting a politically attractive program such as the one in this report.

Please call me directly with any questions that you may have.

Sincerely,



David R. Nissen
Fire Chief



Rancho Santa Fe Fire Protection District

P.O. Box 410 • 16936 El Fuego • Rancho Santa Fe • California 92067-0410

Tel: (858) 756-5971 • Fax: (858) 756-4799

www.rsffire.org

Board of Directors

James Ashcraft
Clifford Douglas
Gilbert L. Lombard
Thomas R. Hickerson
Nancy Hillgren

Fire Chief

Erwin L. Willis

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AUG 26 2004 **RECEIVED**

AUG 26 2004

SAN DIEGO

COUNTY GRAND JURY

August 23, 2004

Presiding Judge of the Superior Court

P.O. Box 122724

San Diego, CA 92112-2724

RE: 2003-2004 Grad Jury Report entitled: *"Is There a Need for a Regional Fire Authority and Rescue Helicopters in San Diego County?"*

Dear Presiding Judge:

I have the following comments to the Grand Jury's recommendations:

04-01-1 — Agree

04-01-5 — Disagree: the County of San Diego removed responsibility for fire protection from their charter over 20 years ago. The County has continually stressed that they have no responsibility for fire protection and they do not fund fire protection. Because of this, the County will not get a "cooperative agreement" from other government agencies to fund a helicopter for fire protection.

04-01-3 — Disagree: a regional fire authority should not be "expedited." Creation of this type of agency should be well researched, planned and a taxing mechanism for funding developed before it is created. This is not something that should be done as a "knee-jerk" reaction to one fire.

04-01-4 — Disagree: if a regional fire authority is created its first priority should be to research the fire and EMS response needs of the County and develop the resources needed to meet those needs. This may or may not be two or more helicopters.

04-01-5 — Disagree: a "Regional County Fire Authority" should not be created without its own funding source. The County should not be looking to other governmental fire agencies to take some of the already limited funds to fund this agency. If independent funding cannot be obtained the Fire Authority should not be created.

04-01-6 — Agree: before any of these items are considered, they should be well studied by professionals and the County Fire Chiefs' Association should be involved.

I apologize for my late response, I was unaware the response was required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Erwin L. Willis".

Erwin L. Willis
Fire Chief



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P.O. Box 410 • 16936 El Fuego • Rancho Santa Fe • California 92067-0410

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AUG 26 2004

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Erwin L. Willis
Fire Chief

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COUNSEL
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ENGINEER
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MUNICIPAL WATER DISTRICT

P.O. BOX 177, 34928 VALLEY CENTER ROAD
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yuimamwd.org

RECEIVED

AUG 24 2004

August 19, 2004

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San Diego, CA 92101

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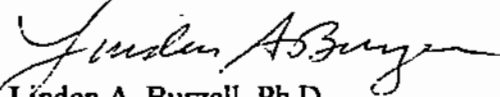
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Sincerely,

YUIMA MUNICIPAL WATER DISTRICT



Linden A. Burzell, Ph.D.
General Manager

DUE 6/16/04

Conditions and Management of Detention Facilities in San Diego County

Responding Agencies

San Diego County Board of Supervisors

San Diego Sheriff's Department

San Diego County Probation Department

San Diego County Office of Education

San Diego County Department of Social Services

La Mesa Police Department





SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 LINDA VISTA ROAD, SAN DIEGO, CALIFORNIA 92111-7399 (858) 292-3500

Superintendent of Schools
Rudy M. Castruita, Ed.D.

RECEIVED

May 10, 2004

MAY 18 2004

**SAN DIEGO
COUNTY GRAND JURY**

Thomas E. McCarthy, Foreman
Grand Jury, County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

Dear Thomas E. McCarthy:

Re: Responses to the 2003-2004 Grand Jury Report – "CONDITIONS AND
MANAGEMENT OF DETENTION FACILITIES IN SAN DIEGO COUNTY,"
filed March 17, 2004.

Enclosed are the responses to the Grand Jury Report of March 17, 2004, concerning detention facilities in San Diego County, specifically their conditions and management. Our office has reviewed the report and prepared responses to the two recommendations set forth therein. These responses are being submitted in accordance with the Grand Jury's request.

Sincerely,

Rudy M. Castruita
County Superintendent of Schools

RMC:CLF
Enclosure

Board of Education

Nick Aguilar Ernest J. Dronenburg, Jr. Susan Hartley Robert J. Watkins John Wirt

SERVICE AND LEADERSHIP

**SAN DIEGO COUNTY OFFICE OF EDUCATION (SDCOE)
RESPONSES TO THE GRAND JURY RECOMMENDATIONS
REGARDING "CONDITIONS AND MANAGEMENT OF DETENTION
FACILITIES IN SAN DIEGO COUNTY"**

Recommendations 04-02-25: The Grand Jury recommends that the books in the classroom be monitored for wear and condition. Books covered with graffiti should be replaced as soon as practical.

SDCOE Response: It is the policy of the Juvenile Court and Community Schools to provide all of its students with access to state-adopted textbooks and standards-aligned instructional materials.

In fiscal year 2002-03, \$50,839.16 was spent replacing damaged and out-of-date textbooks for Sarah Anthony and Sierra Vista Schools. We anticipate the overall cost for damaged books to be less for 2003-04.

With respect to books covered with graffiti, we will continue to address this issue in a very proactive manner, and we appreciate the Grand Jury's recommendation.

Recommendations 04-02-26: The Grand Jury recommends that the condition of recreation equipment should be monitored. Torn or improperly hung nets should be repaired, replaced or re-hung.

SDCOE Response: In response to the Grand Jury's recommendation, the Juvenile Court and Community Schools Program will continue to work with the Probation Department to address the equipment needs of students within Juvenile Hall. We understand that it is not our responsibility to replace and repair recreational equipment; however, we will work collaboratively with the Probation Department to facilitate this recommendation.

ORIGINAL



San Diego County Sheriff's Department

Post Office Box 429000 • San Diego, California 92142-9000



William B. Kolender, Sheriff

John M. Drown, Undersheriff

April 29, 2004

The Honorable John S. Einhorn
Presiding Judge, San Diego Superior Court
County Courthouse
220 W. Broadway
San Diego, CA 92101

RECEIVED

MAY 03 2004
SAN DIEGO
COUNTY GRAND JURY

Dear Judge Einhorn:

**Response to the San Diego County Grand Jury's Report 2003/4-02
"Conditions and Management of Detention Facilities in San Diego
County"**

Pursuant to California Penal Code Section 933, the following is my response to the Grand Jury's findings and recommendations 4-02-1 through 4-02-20.

George Bailey Detention Facility

Grand Jury Findings:

- The Grand Jury observed that the only cameras monitoring the maximum-security inmates in the housing units were portable video cameras on tripods in the control rooms. Due to crowded conditions, they can be accidentally moved or knocked over by control room personnel.
- The Grand Jury finds that fixed cameras with recorders would be valuable to the deputies in resolving issues arising from disputes in the housing units. The tapes could document events occurring in the day use area and would be invaluable in protecting staff and inmates from frivolous lawsuits.

We agree with this finding. Unfortunately, camera/recording devices were not placed at all the critical points within the George Bailey Detention Facility at the time the facility was built. However, to overcome this unfortunate oversight, an assessment of the equipment needed to meet the facility's requirements has been completed and submitted up the chain of command for funding.

Grand Jury Recommendation

04-02-1

The Grand Jury recommends the San Diego County Sheriff investigate the need and economic feasibility of fixed video cameras and suitable equipment to videotape events in the housing units.

Our Response

04-02-1

An assessment of the George Bailey Detention Facility has been completed in an effort to obtain an estimate for the cost of providing camera/monitoring equipment (with recording capabilities) for the entire facility, not just the housing units. The most recent cost estimates show that a complete camera/recording system will be approximately \$450,000. At the beginning of this calendar year, the Sheriff's Executive Staff committed to funding the entire camera project at George Bailey with money that has been saved during this last fiscal year. A Project Manager has been appointed and a spending plan is in the process of being completed.

Descanso Detention Facility

Grand Jury Findings:

- Inmates have access to a written grievance form or a direct phone line to the Sheriff's Internal Affairs office for redress. Site administration noted that a new 2-part form is being developed in order to give the inmate a copy of the response to any lodged complaint.
- Most hazardous warning and rules signs are in both English and Spanish. Religious services and Narcotics Anonymous and Alcoholics Anonymous classes are also in both languages. Domestic violence, anger management, HIV education and parenting programs are also available.
- Deputies entering the securely fenced portion of the detention facility locked their weapons in a wooden box. The box was secured by use of a key.

We agree with all these findings and are in the process of implementing all three recommendations at the time of this writing.

Grand Jury Recommendations

04-02-2

The Grand Jury recommends that the facility commander monitor and require all hazardous warning signs be in both English and Spanish.

04-02-3

The Grand Jury recommends that the facility commander follow through on developing a two-part grievance form, one for filing and one to be returned to the inmate with outcome noted on it.

04-02-4

The Grand Jury recommends that the Sheriff replace the weapons security box with a more secure (metal) box.

Our Response

04-02-2

The Inmate Programs Deputy at Descanso is currently producing bi-lingual hazard signs (English and Spanish). As soon as they are completed, they will be placed in appropriate locations. Additionally, inmates at the Descanso Detention Facility are shown a bi-lingual inmate orientation video every day which also addresses any known hazardous situations that they may encounter during their incarceration at the facility.

04-02-3

A two-part grievance form is already in the prototype stages. Once our legal staff approves the proposed form, they will be printed for use at all Sheriff's detention facilities. We have approximately 80,000 of the currently used grievance forms remaining in our inventory. We intend to be fiscally responsible and will use these forms prior to implementing the new forms. Under our current grievance procedure, any inmate who files a grievance should be receiving both a copy of the original grievance form and the investigative response. A copy of the original grievance form and the response are also placed into the inmate's booking jacket to be filed with all other records pertaining to the inmate's incarceration.

04-02-4

New metal weapons lockers are on order and will be installed when they arrive.

East Mesa Detention Facility

Grand Jury Findings:

- Maintenance- The Grand Jury observed that two out of three urinals were out of order in one dormitory. Since approximately 64 men are housed in this unit it is important that urinals be repaired in a timely manner.
- Monitoring Inmate Access to Tools- The Grand Jury finds that the Sheriff should be required to have a system through which inmate access to tools can be monitored to reduce the risk to the deputies and other inmates.

Unfortunately, this situation was present during your tour, but it is a very common occurrence due to the number of inmates we house and the number of toilet facilities available. We feel that we have an excellent work order system and General Services staff has always responded in a very timely manner over the past year to address these on-going, almost daily, maintenance needs. General Services staff continues to work extremely hard to stay abreast of any and all maintenance problems at all our facilities.

We agree with the second finding. Due to the Grand Jury's input and suggestions, a new tool monitoring system will be implemented. A shed is being built and installed at the East Mesa facility.

Grand Jury Recommendations

04-02-5

The Grand Jury recommends that the San Diego County Sheriff examine the maintenance policy to be sure that tasks are prioritized and completed in a timely manner.

04-02-6

The Grand Jury recommends that the San Diego County Sheriff should devise a system through which the tools available to inmates are more closely managed/inventoried to reduce risk to both deputies and inmates.

Our Response

04-02-5

The facility currently uses the General Services website to input, track and process all reports of maintenance problems for the facility. The on-line system was designed to track all maintenance requests, issue a work order number and maintain a progress log of all maintenance requests for each area of the facility. Facility maintenance staff read these log notations several times each day. From these notations, maintenance staff prepare, or in the case of a high priority request, alter the daily work schedule. The log is "real time" so any priority requests of great concern can immediately be identified and moved to the top of the daily maintenance work schedule. Throughout the week, maintenance staff contacts the facility commanders/administrative staff to update them on the status of various work orders/maintenance projects still not completed.

04-02-6

The East Mesa Facility received photos from Grand Jury Foreman Thomas McCarthy. The photos included sample tool cabinets that could be used at the facility. The East Mesa Administrative Staff used these photos as a template and a similar cabinet is in the process of being completed. Once installed, the cabinet will assist security staff in maintaining better accountability and control of tools being used by inmates.

San Diego Central Jail

Grand Jury Findings:

- Lack of nearby parking remains a problem for most of the staff working here. There are parking spaces for senior staff, county vehicles, maintenance vehicles, "Employee of the Month" and contract physicians. Current reimbursement does not adequately cover the cost of off site parking. This lack of parking negatively impacts staff morale and may discourage professional staff from considering work at this facility.
- Staff shortages due to unfilled vacancies are a problem in terms of morale, overtime usage and scheduling in some areas.

We agree with the findings. The San Diego Central Jail was constructed in 1998 but prior to construction, the issue of employee parking was discussed. It was determined at that time that adding additional employee parking would be too costly and no contiguous space was available. This is not a new concern for either this jail or the old Central Detention Facility. We have examined this issue many times in the past and currently have formed a new team of staff members who will revisit this problem to see if a new solution can be found. Due to insufficient County funding, prior efforts to address this very issue have not proven successful.

With regards to staffing issues, the Department and County staff continue to discuss ways to fill more security positions. However, in the midst of the current budget crisis, new funding for staff is virtually non-existent.

Grand Jury Recommendations

04-02-7

Continue to research ways to provide parking for all facility staff at a nearby location or provide a shuttle service or carpool service from a designated parking lot or facility and from the San Diego Central Jail Facility.

04-02-8

As soon as fiscally feasible, fill the vacant staffing positions to bring the custody staff and support staff positions up to the recommended Board of Corrections levels.

Our Response

04-02-7

As previously stated in past Grand Jury reports, it is unfortunate that the Sheriff has no jurisdiction over any nearby parking facilities. As such, we cannot commandeer parking areas controlled by other County agencies or under private ownership. The Department lacks the fiscal ability to implement a shuttle or carpool service. A review of the current San Diego Central Jail's (SDCJ) schedule shows over eight shift changes a day. This number would necessitate a minimum of sixteen shuttle trips with sufficiently large vehicles to accommodate any oncoming shifts because security positions cannot be vacated until the relief staff has arrived.

We have implemented a Process Improvement Team (PIT) that represents all employee classifications or ranks that work at SDCJ. It is our hope that this group will take a fresh look at the acknowledged problem and be able to provide new suggestions and/or insights that can assist with reducing or rectifying the impact of this historic problem.

04-02-8

We agree with the recommendation, but financially lack the ability to meet this standard. Current financial uncertainties for the County are negatively impacting all County departments. When the County's financial situation improves, efforts will be made to insure that SDCJ's staffing needs, as well as the rest of the Detention Services Bureau, are made a priority to the Sheriff and the Board of Supervisors.

Las Colinas Detention Facility

Grand Jury Findings:

- The correctional staff and the building maintenance engineer's staff are working hard to maintain the facility. However, due to the age and overuse, this is more than they can accomplish satisfactorily.
- While court mandated capacity is in compliance, additional inmates from Vista added to the overcrowding and non-compliance with Board of Corrections Title 24 requirements.
- The facility requires constant maintenance due to age and overcrowding.
- An adjacent parcel of land is available for future expansion or a new facility.
- Vocational programs are limited to four areas (nursery/landscaping, sewing production, laundry services and graphic arts).

We agree with the findings. A portion of this facility was built in the 1960s and has been in constant use, in some capacity, ever since that time. The newer portion of the facility was added in the late 70s, but is taxed due to the high numbers of inmates that are housed there on a daily basis. With each year that passes, it becomes more problematic for the maintenance personnel to keep up with the strain on the facility's buildings and various support systems.

We have a completed construction plan for a new facility that encompasses the current facility property and adds additional acres from a contiguous piece of county property. The new facility will be rated at 1,200 inmate beds. This facility size will accommodate our current needs and also meet our projected female inmate population growth through the year 2025.

Although we agree with the finding that our vocational programs are limited to four basic areas, we also feel that more educational programs have been implemented since the Grand Jury's visit. The Family Ties Program specifically addresses some of the concerns expressed by the Grand Jury.

Grand Jury Recommendations

04-02-9

The Grand Jury recommends if construction of a new facility cannot proceed, then a major renovation effort should take place at the Las Colinas Detention Facility.

04-02-10

The Grand Jury recommends expansion of all existing vocational programs having to do with any form of rehabilitation. This could provide skills enhancing the ability of inmates who complete their sentences to successfully obtain and hold jobs.

04-02-11

The Grand Jury recommends investigation into creating a tape or DVD library containing information on career path options or training videos, i.e. how to get a Regional Occupational Program training at their local high schools upon release or how to write a resume.

Our Response

04-02-9

The master plans for a new facility at the Las Colinas/Edgemoor property has been completed. An informational meeting has recently been held with Supervisor Dianne Jacob and her Chief of Staff to assist in educating and gaining her support for this necessary and important project. The time frame for the start of construction for a new facility has not yet been determined due mainly to current general fund shortfalls, other County building priorities and anticipated objections to this project from the City of Santee. Sheriff's staff will continue to work towards

overcoming currently identified hurdles so when the County's fiscal picture improves, this project will be ready for immediate implementation.

04-02-10

Since the Grand Jury's visit in August of 2003, the Sheriff's Department has partnered with Community Connections, ParentCare and Family Literacy Foundation and began offering the Family Ties Program in March 2004. The program is currently at both the Las Colinas and the George Bailey Detention Facilities. The Family Ties Program includes classes in parenting, domestic violence, anger management, substance abuse and job readiness training. Inmates participating in this program also receive one year of case management following their release from incarceration.

04-02-11

In addition to the job readiness training provided in the Family Ties Program mentioned above, interviewers from the SCORE Program visit Las Colinas monthly to provide a resume workshop and practical interviewing experience to those who are enrolled in school. In addition, Second Chance/STRIVE makes a presentation once a month for all mainline inmates. The Second Chance/STRIVE Program is a free, three-week course that assists those who may have difficulty finding a job for various reasons, including those with criminal histories. Second Chance/STRIVE also offers sober living housing for those who do not have suitable housing, upon release from custody.

Regional Occupational Program (ROP) information is posted in classrooms and is also available upon request from the counseling staff.

South Bay Detention Facility

Grand Jury Findings:

- The staff indicated that the number one problem is an aging facility. When it rains, water seeps into parts of the ceiling.
- The air conditioning system in the segregation cells has no means of regulation and makes the inmates cold. They stuff the vents with toilet paper to cut off the cold airflow.
- The floor tiles containing asbestos need to be repaired or replaced.

We agree with the findings. The seeping issue continues to be a problem and General Services is aware of the need to find funds for the sidewalk repair. The issue is one that should be funded by all tenants of the Regional Complex; however, at this time, only the Sheriff's Department is experiencing the damage due to the seepage that occurs during heavy rains.

The air conditioning system has outlived its life expectancy and now needs constant manual adjustment. Facility maintenance personnel continue to work on this issue to address the issues of the segregation cell occupants.

The floor tiles in question have been replaced.

Grand Jury Recommendations

04-02-12

The Grand Jury recommends that the facility management continue to seek a solution for the water seepage problem in the building.

04-02-13

The Grand Jury recommends that as soon as fiscally possible the air conditioning unit be overhauled to allow temperature control in the segregation cells.

04-02-14

The Grand Jury recommends occupants of the segregation cells be provided with something other than toilet paper to control the airflow.

04-02-15

The Grand Jury recommends, as soon as fiscally possible, asbestos floor tiles be replaced.

Our Response

04-02-12

Approximately five years ago, the walkway area on the west side of the Regional Center complex was repaired. Since the repairs have been completed, the water seepage issue on that side of the detention facility has been corrected. General Services staff states that settling of the entire complex has caused the various sidewalk membranes to be broken, allowing water to seep under the sidewalk and down the detention facility walls. In addition, the drains located in the sidewalks, which were

designed to pull water away from the complex, have become corroded to the point that they no longer function properly during medium to heavy rain conditions. The excess water not being handled by the drains also travels down the detention facility walls, causing damage to cell ceiling and walls. The south side sidewalk was not completed at the time of the west side repairs. The south side walkway is currently listed with General Services as a major maintenance project for the Sheriff's Department, even though all the tenants of the Regional Complex should jointly share the cost of this project. Funding for this project has not yet been identified.

04-02-13

Evaluation and cleaning of the current ventilation system have recently been completed. Recent tests of the airflow and temperature regulation have shown improvement, but in reality, the air conditioning system has surpassed its life expectancy and will continue to be labor intensive. Due to the age of the equipment, regulation will have to be done manually and on a case-by-case basis.

04-02-14

Providing inmates with items to block up the airflow ducts is counter-productive. Blocking various ducts, specifically those in the segregation cells, causes strain on the air conditioning system and forces the equipment to overload other housing units or work locations with excess airflow. Inmates are encouraged to ask for an evaluation of their airflow or temperature problems rather than blocking the ducts with various items.

04-02-15

An evaluation of the flooring situation shows that the tile adhesive contains asbestos, not the actual tiles themselves. The problem pertaining to chipped and damaged tiles was located on four inmate elevators. Linoleum flooring has been installed to address this specific problem. New floor cleaning equipment has been purchased and utilized to strip the flooring down to its base. The appearance of the current flooring has improved significantly and replacement of this flooring is not recommended at this time. To plan for the future, a contract proposal has been received for floor replacement, with the bid in excess of \$100,000.

Vista Detention Facility

Grand Jury Findings:

- Authorized staffing level is 114 sworn officers. However, there were only 105 assigned at this time. Additionally there are 105 professional staff assigned here. The staff reported that their most serious concern, at this time, is understaffing.
- Staff comments noted the lack of video cameras in the dayroom areas of the inmate housing modules.
- Space in the medical facilities area is at a premium with little possibility of expansion.
- Female inmates do not have the same work opportunities as males because the male and female inmates are not permitted to work in any given area at the same time.
- The understaffing of both the medical staff and sworn officers creates pressures of trying to cover assigned duties.
- Intake of "weekender" inmates and normal increased bookings on Friday evenings creates delays and a backlog at the intake area of the facility.
- The lack of storage space is a concern in the medical area.

We agree with all the findings. Staffing issues are a concern throughout our detention facilities. The budget crisis is negatively impacting the Sheriff's Department staffing, in both security and support positions, making the Department's mission more difficult to accomplish. Unfortunately, there does not appear to be any budget relief in the near future.

We will continue to address issues such as cameras, storage space and increases in workspace as we are able to do so, but acknowledge that the footprint of the facility constrains the options we have open to us. We will also continue to work with the Courts to find some resolution to the weekender influx on Fridays.

Although female workers are not provided all of the work opportunities given to male inmates housed at this facility, they have been given all the opportunities that we feel we can provide to them, but still insure safe and efficient jail operations. We will continue to look at inmate workers positions to see if female inmate workers can fill any current or new positions.

Grand Jury Recommendations

04-02-16

The Grand Jury recommends, as soon as possible, the number of sworn officers should be increased to the authorized staffing level.

04-02-17

The Grand Jury recommends that the Sheriff, with concurrence of the Court, should alter "Weekender" intake time to alleviate the delays of Friday night bookings at the intake area.

04-02-18

The Grand Jury recommends that when finances permit, permanently mounted video cameras be installed in the dayroom areas of the inmate housing units.

04-02-19

The Grand Jury recommends that the Sheriff study to see if any area could be expanded or changed to increase the space available for Medical staff usage.

04-02-20

The Grand Jury recommends that the staff look for ways to give female inmates more work opportunities.

Our Response

04-02-16

Severe budget reductions continue to effect staffing levels throughout the Detention Services Bureau. Evaluation of the impact of "frozen" positions continues to be monitored throughout the bureau. During February of this year, the number of "frozen" deputy positions at the Vista Detention Facility were reduced in an effort to lessen the impact on assigned security staff and to provide a better relief factor for the facility. The Department continues to request the County Board of Supervisors to

increase staffing numbers to meet recommended Board of Corrections guidelines, but budget constraints have not allowed them to do so. We continually assess and balance staffing numbers against workload and individual facility layout throughout the entire detentions system.

04-02-17

On July 23, 2003, the Vista Detention Facility made a written request to the North County Supervising Judge, Joan Weber (via David Yamasaki, Assistant Executive Officer), requesting the ability to alter the weekend sentences to commence on Saturday mornings instead of Friday evenings. The housing issues and delays in processing were explained in the request. The request was denied. The court based its decision primarily on the fact that the majority of the "weekenders" are individuals who have been arrested for driving under the influence of alcohol or drugs. Vehicle Code section 23538 (a)(1) states that offenders found guilty of section 23152(a) will serve at least 48 hours in custody in county jail. If these offenders were to report on Saturday mornings, they would then be released on Monday morning, rather than Sunday morning. The court felt that the Monday morning release would interfere with the offenders' ability to report to their employment and denied our request.

04-02-18

The current surveillance system at the Vista Detention Facility is outdated and many of the camera/monitors are not operational or are difficult to view. The ability to record is virtually non-existent. None of the housing modules, with the exception of East House, have any type of camera surveillance in the dayroom areas.

The limited nature of the video equipment at this facility has long been recognized. Staff work has been submitted that indicates how the current system can be upgraded to an appropriate level. Due to the cost of the upgrade technology and the need for the addition of new components, the project will have to be phased in over time, with the first of the phases costing approximately \$15,000. The money for this project will be encumbered before July of 2004.

04-02-19

Services provided by medical staff continue to increase. Medical staff's ability to provide needed services to inmates is hindered by the lack of adequate physical space in the medical work areas and medical inmate housing locations.

April 29, 2004

At this time, there are no plans to expand the Vista Detention Facility medical services area, as any expansion would require adding to the actual detention facility structure itself. In an effort to mitigate the lack of space, detentions administrative staff increased the medical units' storage space on the medical floor and also allocated additional storage space for medical use in the basement of the detention facility.

04-02-20

The efficient and effective operation of a detention facility requires that male and female inmates be strictly limited in their physical contact with one another. To do otherwise would require a significant increase in authorized security staff positions to insure that safety and proper behavior is maintained at all times. The change that would be needed in our security staffing pattern would not be feasible at this time.

At the Vista Detention Facility (VDF), the ratio of female inmates comprises less than one quarter of the total inmate population. This ratio dictates that the male inmate population must be given the majority of inmate work assignments that are available, including areas such as the laundry and kitchen. Increases have been made to the number of female workers allowed at VDF. Female inmates currently perform all the work as required in their assigned housing area, female intake and the female medical area, but VDF security staff is limited in the number of inmate worker positions that can be given to female inmates housed at this facility. Staff will continue to review inmate worker positions on a routine basis to see if any positions can be safely filled with female inmate workers.

If the members of the Grand Jury need further clarification or additional discussion, please feel free to contact Assistant Sheriff Dennis Runyen, Detention Services Bureau, at (858) 974-2278.

Sincerely,


William B. Kolender, Sheriff

WBK:mt



May 18, 2004

RECEIVED
MAY 24 2004
SAN DIEGO
COUNTY GRAND JURY

Thomas E. McCarthy, Foreman
County of San Diego Grand Jury
Hall of Justice
300 W. Broadway, Suite 477
San Diego, CA 92101-2820

Dear Mr. McCarthy:

On March 12, 2004, the San Diego Grand Jury issued a report, which recommended the City of El Cajon Police Department increase the lighting in our holding cells. We concur with your recommendations, and have since visited other detention cells throughout the county and examined various lighting options. We have also been in contact with our own City Facility Maintenance staff, as well as a private commercial lighting contractor. It is our intention to increase and enhance lighting in our detention cells within the next 90 days.

Thank you very much for bringing this important issue to my attention.

Sincerely,

James R. Davis
Chief of Police

JRD/mg



City of La Mesa

POLICE DEPARTMENT

RECEIVED

MAY 28 2004

April 15, 2004

Honorable John S. Einhorn
Presiding Judge, Superior Court
220 West Broadway
San Diego, California 92101


Judge Einhorn,

As required per California Penal Code Section 933(c), the La Mesa Police Department submits the following comments as to the findings and recommendations outlined in the Grand Jury Report dated March 12, 2004.

In accordance with California Penal Code section 933.05(a), the La Mesa Police Department concurs with the Grand Jury's recommendation 04-02-31. For edification purposes the recommendation states, in part, that all holding cells should be properly equipped with adequate lighting. Although the La Mesa Police Department's holding cells are seldom used, the cost associated with providing additional lighting is not that substantial to prevent us from complying with the recommendation. Therefore it is our intention to replace the current light bulbs with a higher wattage bulb within the next 60 days.

In accordance with the California Penal Code section 933.05(b), the La Mesa Police Department will not be implementing recommendation 04-02-32. This recommendation requires the purchasing of mattresses for each cot/bench in the existing temporary holding cells. Currently, Title 24, Section 2-470A.3.5 requires that any mattress issued to a detainee must be enclosed in an easily cleaned non-absorbent package that conforms to the size of the bunk. As previously stated, the La Mesa Police Department's holding cells are seldom used. Our current processing area provides adequate space for detainees prior to transporting them to a booking facility. Lastly, our budget does not provide for the funding needed to comply with the mattress requirements identified in Title 24.

Respectfully,


Cliff Resch,
Chief of Police

Working in Partnership with Our Community

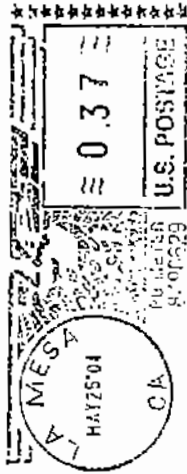


City of La Mesa

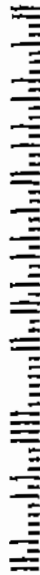
POLICE DEPARTMENT
8181 ALLISON AVENUE, LA MESA, CA 91941-5099

8

Honorable John S. Einhorn
Presiding Judge, Superior Court
220 West Broadway
San Diego, Ca 92101



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County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE
1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

RECEIVED
MAY 27 2004
RECEIVED

MAY 27 2004
SAN DIEGO
COUNTY GRAND JURY

May 19, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to two reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled "[REDACTED]" (Issued March 17, 2004) and "Is There a Need for a Regional Fire Authority and Rescue Helicopter in San Diego County" (Issued March 10, 2004). The attached material was approved by the Board of Supervisors on May 18, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-6226.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

5

DATE: May 18, 2004

TO: Board of Supervisors

SUBJECT: RESPONSES TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

On March 10, 2004, the 2003-2004 Grand Jury issued a report titled "Is There a Need for a Regional Fire Authority and Rescue Helicopters in San Diego County?". On March 17, 2004, the Grand Jury issued a report titled "Conditions and Management of Detention Facilities in San Diego County." This letter is a request for your Board to review the draft responses to these two reports, and to authorize the Chief Administrative Officer to transmit these responses to the Grand Jury, via the Superior Court Presiding Judge. In addition, a copy of the Sheriff's Department response to the Detention Facilities report that has already been submitted in accordance with Grand Jury instructions is attached for your review.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit the attached responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

The recommended action has no fiscal impact.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

On March 10, 2004, the 2003-2004 Grand Jury issued a report titled "Is There a Need for a Regional Fire Authority and Rescue Helicopters in San Diego County?". On March 17, 2004, the Grand Jury issued a report titled "Conditions and Management of Detention Facilities in San Diego County." This letter is a request for your Board to review the draft responses to these two reports, and to authorize the Chief Administrative Officer to transmit these responses to the Grand Jury, via the Superior Court Presiding Judge.

Attachment A is the proposed response to the fire and rescue helicopter report. Attachment B is the response to the detention facilities report that has already been submitted to the Grand Jury by the Sheriff. Attachment C is the proposed response to those portions of the detention facility report for which the Grand Jury requested responses from the Board of Supervisors and the San Diego County Probation Department.

Linkage to the County of San Diego Strategic Plan

The responses to the Grand Jury reports on detention facilities and regional fire and rescue helicopters support the strategic initiative of Safe and Livable Communities. These responses also support the required discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully submitted,



W. HAROLD TUCK, JR.

WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

WDS
☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

[Signature]
☒ Yes

☐ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

[Signature]
☒ Yes

☐ Yes

☐ N/A

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Health and Human Services Agency

ORIGINATING DEPARTMENT: Public Safety Group

CONTACT PERSON(S):

Rick Poggemeyer

Name

(619) 531-4538

Phone

(619) 232-2436

Fax

A-65

Mail Station

Rick.Poggemeyer@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

[Signature]
W. Harold Tuck, Jr.
Deputy Chief Administrative Officer

SUBJECT: RESPONSES TO 2003-2004 GRAND JURY REPORTS (District: All)

5

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

**COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT
"IS THERE A NEED FOR A REGIONAL FIRE AUTHORITY AND RESCUE
HELICOPTERS IN SAN DIEGO COUNTY?"**

Issued March 10, 2004

Recommendation 04-01-1: The Grand Jury recommends the San Diego Regional Fire and Rescue Helicopter Program should continue its current operation until a regional fire authority is formed.

County Response: The recommendation requires further analysis. The County concurs with the need to maintain the current helicopter program until such time as it is replaced and/or augmented by another program. However, it has not yet been determined that a replacement program will be operated by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-2: The Grand Jury recommends that the San Diego County Board of Supervisors work with the City of San Diego to secure cooperative agreements and financial support from the cities and fire districts in the county to fund the interim operation of the San Diego Regional Fire and Rescue Helicopter Program.

County Response: The recommendation will not be implemented. The current program is operated by the City of San Diego. The City previously requested funding contributions from the County and all other cities within the county. The County agreed to contribute the amount requested (\$36,415 per month) through the end of June, 2004, and will consider continuing that same level of support at a Board of Supervisors meeting in June, 2004.

Recommendation 04-01-3: The Grand Jury recommends that the San Diego County Board of Supervisors in cooperation with the San Diego Local Agency Formation Commission (LAFCO) and other city and governmental fire agencies expedite the creation of a regional fire authority.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-4: The Grand Jury recommends that the San Diego Board of Supervisors make the first priority of a regional fire authority be the establishment and the operation of a year round Regional Fire and Rescue Helicopter Program with two or more helicopters.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-5: The Grand Jury recommends that the San Diego County Board of Supervisors work with all governmental fire agencies to identify and secure the funding necessary for the Regional County Fire Authority to establish, manage, and operate a Regional Fire and Rescue Helicopter Program.

County Response: The recommendation requires further analysis. It has not yet been determined that the helicopter to be purchased by the County will be operated and/or governed by a regional fire authority. It is anticipated that the County's Fire and Life Safety Helicopter Operating Council will begin making recommendations to the Board of Supervisors on the type of helicopter to be purchased by the County, as well as how it should be operated and governed, during the month of July, 2004.

Recommendation 04-01-6: The Grand Jury recommends that the San Diego County Board of Supervisors consider the recommendations from the professional consultant contracted by the City of San Diego, in cooperation with the San Diego County Fire Chiefs' Association, to determine the specifications for the fire/rescue helicopter(s).

County Response: The recommendation is in the process of being implemented. The County has provided members of its Fire and Life Safety Helicopter Operating Council with copies of Phase I of this consultant's report, and has agreed to pay the cost for Phase II of the report. All input from this consultant will be considered by the Council prior to making recommendations to the Board of Supervisors on the specifications for the fire and life safety helicopter to be purchased by the County.

**COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT
"CONDITIONS AND MANAGEMENT OF DETENTION FACILITIES IN SAN
DIEGO COUNTY"**

Issued March 17, 2004

SAN DIEGO SHERIFF'S DEPARTMENT FACILITIES

LAS COLINAS DETENTION FACILITY

Finding 1: The correctional staff and the building maintenance engineer's staff are working hard to maintain the facility. However due to the age and overuse, this is more than they can accomplish satisfactorily.

County Response: Disagree in part. Although the facility is old, and not in ideal condition, it is maintained to a state that allows operations to continue. This belief is supported by the statement contained in finding 4 (see below).

Finding 2: The facility requires constant maintenance due to age and overcrowding.

County Response: Agree.

Finding 3: Staff felt the number one area for improvement is in the area of maintenance.

County Response: Agree.

Finding 4: In spite of the problems caused by working in an ageing facility, staff morale and professionalism was very high.

County Response: Agree.

Recommendation 04-02-09: The Grand Jury recommends if construction of a new facility cannot proceed, then a major renovation effort should take place at the Las Colinas Detention Facility.

County Response: The recommendation will not be implemented. The master plan for a new facility to replace Las Colinas has been completed. However, due to current funding shortfalls, a timeframe for this project has not yet been established. County staff continue to pursue funding for this project. Spending a considerable amount of money on a major renovation would only slow the drive to obtain sufficient funds for the new facility.

PROBATION DEPARTMENT FACILITIES

CAMP BARRETT

Finding 1: There are forms available for inmates to request services or lodge grievances. It was noted that grievance forms are filed away after they are resolved. However, no control log of these grievances and their disposition is maintained.

County Response: Agree.

Finding 2: Youth being released from Barrett to go home are given a two-week supply of the medications they are currently prescribed. However, no written information is given to the parent explaining what medications are being given or any medical condition the youth is or was being treated for while incarcerated. All the records for the person being released are sent back to Juvenile Hall for storage.

County Response: Disagree. A system is in place to address this issue, as described in the response to recommendation 04-02-24 below.

Finding 3: Many of the buildings are showing wear. In many areas electrical wires are exposed. Many extension cords are being used to connect power to permanently installed equipment.

County Response: Agree.

Finding 4: Signs for warning notices and rules are mainly in English. Posters for character education are in both Spanish and English.

County Response: Agree.

Recommendation 04-02-21: The Grand Jury recommends that the staff begin keeping a grievance log, noting the date of the grievance, person filing it, disposition/by whom and date of closure. This log should be prepared, updated and checked daily by a supervising Probation Officer.

County Response: The recommendation has been implemented. A log has been developed containing the information requested above. The Supervising Probation Officer will review it daily.

Recommendation 04-02-22: The Grand Jury recommends the repair of unsafe electrical wiring and addition of outlets to eliminate the use of extension cords for powering permanently installed equipment.

County response: The recommendation has been implemented. General Services has inspected the dorms regarding the problems noted. With the exception of one electrical

outlet, there is no unsafe electrical wiring in the dorms. The electrical outlet was repaired on 4-20-04. There are some telephone and coaxial cables that are unsecured and some not being used. Those cables or telephone lines not in use have been removed, and the others were secured. The items that were plugged into electrical extension cords were plugged directly into wall outlets. The extension cords have been removed.

Recommendation 04-02-23: The Grand Jury recommends that warning signs and signs for rules should be displayed in both English and Spanish.

County Response: The recommendation has been implemented. All warning and rules signs are now posted in both English and Spanish.

Recommendation 04-02-24: The Grand Jury recommends that the parents of wards being released be given written information about the current medical condition and or medical needs of the juvenile.

County Response: This recommendation has been implemented. The following system was in place at the time of the Grand Jury visit:

All detainees that require ongoing medical care are identified and follow up is put in place in one of three ways:

1. **Red Flag-**This is a form filled out by one of the medical or nursing caregivers. This is done for ongoing need of treatment, medication, or follow up appointment. Once this form is filled out, Intake Booking and Receiving at the Kearny Mesa Juvenile Detention Facility is notified and the detainee's record is marked. Upon release of the detainee, the clinic is notified and appropriate paperwork is given to the caregiver.
2. **Wellness Team-**If ongoing treatment is needed, or further appointments, the Wellness Team will notify the parent or caregiver by phone, explain the treatment needed and the importance of it. The Wellness Team will also assess for the need of help with insurance.
3. If necessary, the doctor will call and notify the parents.

All detainees that require ongoing medical care after release are "Red Flagged". This is a form that is either filled out by the doctor or nurse, with instructions for the parents or caregiver. This could include follow-up appointments, medication or treatment. When such treatment is deemed necessary after release, the "Red Flag" form is filled out and placed in the "Red Flag Book". Once this is done, the Kearny Mesa Juvenile Detention Facility's Intake, Booking and Release (IBR) unit is notified and they mark the detainee's file. Upon release of the detainee, IBR notifies the nurse and they respond by bringing the instructions to the parent or caregiver.

JUVENILE HALL

Finding 1: While visiting a math classroom we noted that the textbooks were, in some cases, over 20 years old. These books were also so filled with graffiti, they were almost unreadable.

County Response: Agree.

Finding 2: We were informed that the exercise area has been enlarged. However, the nets were in disrepair and need to be replaced. We found the physical plant to be old and worn but clean and orderly.

County Response: Agree.

Finding 3: The staff reported that one major problem is the lack of toilet facilities in each cell. This then requires a great deal of staff time escorting detainees from their cells to the toilet and back to their cells.

County Response: Agree.

Recommendation 04-02-25: The Grand Jury recommends that the books in the classroom be monitored for wear and condition. Books covered with graffiti should be replaced as soon as practical.

County Response: The recommendation has been implemented. Per the County Office of Education, the damaged and outdated math books and classroom books have been disposed of and were replaced with the Prentice Hall California Education books.

Recommendation 04-02-26: The Grand Jury recommends that the condition of recreational equipment should be monitored. Torn or improperly hung nets should be repaired, replaced or re-hung.

County Response: The recommendation has been implemented. Two new soccer nets and two new volleyball nets have been installed. Unit supervisors will monitor the condition of these nets.

JUVENILE RANCH FACILITY

Finding 1: Two classrooms have been out of use since before last March due to rodent infestation. The rooms are being renovated, however they are still unusable.

County Response: Agree.

Finding 2: Students coming to school here are tested and placed into classes based upon their ability, not their age. This method of placement is something the staff promoted, and it helps the students be more successful.

County Response: Agree.

Finding 3: Additional help in promoting literacy is being addressed with the Linda Mood Bell reading program for some of the students.

County Response: Agree.

Finding 4: Due to various lengths of stay, sometimes as short as a few days, getting school records is sometimes a problem.

County Response: Agree.

Finding 5: Due to the high number of special education students, the school has 3 mainstream classes and 3 special education classes.

County Response: Agree.

Finding 6: Approximately 50% of the students here are Hispanic, 23% African American and 20% Caucasian. Notices to parents are available in both English and Spanish. However, most posted rules and warning signs on site are in English only.

County Response: Agree.

Finding 7: Due to the proximity to the Border Patrol Station, drug dogs are available for searches for contraband. If a detainee goes AWOL, the Border Patrol is notified and has been helpful in returning some detainees to the Ranch Facility.

County Response: Agree.

Finding 8: Due to budget cuts, maintenance and upkeep of the facility has been reduced. Although some of the buildings are very new, the older buildings need paint and some siding replaced. The perimeter fence needs repair.

County Response: Disagree in part. Maintenance and upkeep has not been reduced due to budget cuts. Some repairs have been delayed due to the fact that these buildings have become part of a historic district. As such, exterior repairs must be coordinated with historic sites officials, in order to preserve the historic appearance of the buildings.

Recommendation 04-02-27: The San Diego Grand Jury recommends the repair of closed classrooms and ridding them of rodents as soon as possible.

County Response: The recommendation has been implemented. The rodents were removed and the classrooms were reopened in November of 2003. Terminex Pest Control continues to assist in controlling the rodents in the classrooms.

Recommendation 04-02-28: The San Diego Grand Jury recommends the repair of the perimeter fence as soon as possible for both security and safety reasons.

County Response: The recommendation is in the process of being implemented. Estimates and approval for repair have been obtained. Fence replacement is scheduled for completion in May, 2004.

Recommendation 04-02-29: The San Diego Grand Jury recommends making posted warning and rules signs in both English and Spanish.

County Response: The recommendation has been implemented. All warning and rules signs are now posted in both English and Spanish.

DUE 7/28/04

Mental Health Services In The County Jails and Impact of the Connection
Program

Responding Agencies

San Diego County Board of Supervisors

San Diego County Sheriff's Department

V



San Diego County Sheriff's Department

Post Office Box 429000 • San Diego, California 92142-9000



William B. Kolender, Sheriff

Barry R. Zuniga, Undersheriff

June 21, 2004

RECEIVED

JUN 22 2004

The Honorable John S. Einhorn
Presiding Judge, San Diego Superior Court
County Courthouse
220 W. Broadway
San Diego, CA 92101

RECEIVED
JUN 23 2004
SAN DIEGO
COUNTY GRAND JURY

Dear Judge Einhorn:

Response to the San Diego County Grand Jury's Report Mental Health Services in the County Jails and Impact of the Connections Program dated April 27, 2004

Pursuant to California Penal Code Section 933, the following is my response to the Grand Jury's findings and recommendations 04-03-1 through 04-03-7.

Before addressing the findings and recommendations, I would like to thank the Grand Jury for their investigation into this area. My staff and I recognize that their task was difficult and they had a lot of information to traverse. Because of the volume of information, we found some discussion items in the report that need to be clarified.

The first comment is found on page 3 in paragraph 1. The statement, "The George Bailey and Vista facilities have a psychiatrist and mental health clinician on site seven days a week" would lead the public to believe that these are the only Sheriff's detention facilities where this occurs. The fact is that the George Bailey, the Vista, the San Diego Central Jail and the Las Colinas detention facilities have psychiatrists on duty seven days a week. In addition, there are mental health clinicians at each of these facilities as well.

The second comment is found on page 4 and is the bullet point that states, "Educational services, including classes in Adult Basic Education, substance abuse, parenting, and domestic violence provided by Grossmont Union High School District at the Central Jail and Las Colinas facilities" need to be clarified and expanded. Actually, educational services, including classes in Adult Basic Education, are provided by Grossmont Union High School District. In addition, Correctional Counselors from the Sheriff's Inmate Services Division provide psycho-educational classes in Substance Abuse, Domestic Violence, and Parenting in all seven detention facilities.

Finally, we feel it important to note in the budget discussion that the Sheriff has allocated \$11.4 million in FY 2003-2004 for the jail mental health program. The Sheriff assumed responsibility for the delivery of mental health services in the jails in the year 2000 and funding from the Health and Human Services Agency of \$4,228,226, a discount from the \$4.8 million spent by the Agency the previous year.

Again, we would like to thank the Grand Jury for their efforts in this investigation and now will address their findings and recommendations.

TREATMENT PROGRAM

Grand Jury Findings:

1. The coordinated treatment effort enhances the ability of staff to coordinate clinical and supervisory functions that results in consistent behavior management practices that support patient safety and well-being.
2. Although psychiatric treatment together with drug and alcohol counseling provide some help, these patients have complex problems that require treatment by clinicians who have special knowledge about dual diagnosis management.
3. Treatment program enhancement opportunities are limited.
4. Some patients are able to earn GED credits toward a high school equivalency certificate. Through other classes, some patients are able to address issues involving substance abuse and domestic violence.
5. Vulnerable populations have the need for assistance in securing continuing mental health services upon release. They need case management support and close collaboration with health and human services organizations in order to facilitate patient access to ongoing treatment.

Our responses:

1. We agree with this finding.
2. We agree with this finding and we are in the process of identifying the actual number of mentally ill patients within and outside the PSU units that carry dual diagnoses, as well as their average length of stay in the jail. After doing so, we can determine if the patients are in custody long enough to warrant the development of an effective treatment program with specialized personnel that

goes beyond recognition and appropriate referral to community resources after release.

3. We agree with this finding.
4. We agree with this finding and feel it important to note that educational services are provided by the Grossmont Union High School District at all seven detention facilities.
5. We agree with this finding.

Grand Jury Recommendations:

- 04-03-1 Build case management services into contracts with all community-based organizations that serve released mentally ill offenders.
- 04-03-2 Ensure that reliable and consistent drug and alcohol counseling services are included in the Sheriff's mental health programs with a focus on specialized dual diagnosis treatment.
- 04-03-3 Enhance collaborative efforts with community-based organizations and with the local office of the Social Security Administration to facilitate access to services and benefits for released mentally ill offenders.

Our responses:

- 04-03-1 The recommendation will not be implemented because it is not reasonable for the Sheriff to do so. After release from the Sheriff's custody, these patients become the responsibility of HHSA or the Probation Department as a condition of their probation. Although directed to the Sheriff, this is really a recommendation to the Board of Supervisors and such actions are the responsibility of HHSA in developing the scope of services for contract development.

The Sheriff's Department appreciates and supports the Grand Jury's recommendation for the Board to develop effective case management services for inmates being released into the community. We have independently demonstrated the effectiveness of such case management services through our highly successful Mentally Ill Offender Crime Reduction Grant Program, Connections, done in partnership with the San Diego County Probation Department. We will continue to work to develop

and maintain effective linkages with a wide variety of human service agencies throughout San Diego County.

- 04-03-2 This recommendation requires further analysis. The Department recognizes the importance of reliable and consistent drug and alcohol counseling services and the extent of persons with co-occurring disorders in the criminal justice system and the jails. In October 2003, the Department successfully competed for a 3-year U.S. Department of Education grant for life skills education that provides in-custody educational interventions for persons with substance abuse, domestic violence, and parent-child problems.

In addition, many of the persons enrolled in this program have co-occurring disorders. This program is provided with a coalition of community-based organizations through the Inmate Services Division under the direction of the Detentions chief mental health clinician who is also the project director.

Additionally, there are Alcoholics Anonymous and Narcotics Anonymous and Dual Recovery Anonymous groups available throughout the jail system. As a State of California requirement for licensure, the mental health clinicians receive continuing education for such disorders. The in-patient programs at Las Colinas and San Diego Central Jail include such program offerings in the in-patient program.

The Department is mindful of the extent of this population in custody and is investigating the feasibility of additional treatment options and specialty staffing, such as a therapeutic community program. Given the current state of the budget, these opportunities will need to be sought by private or grant funding in the foreseeable future and it is our intention to do so. In addition, the Department will undertake a review of current job classifications and review the feasibility of developing additional positions for clinical staff expert in dealing with persons with co-occurring disorders.

- 04-03-3 The recommendation has been implemented. The Sheriff's Department is committed to developing and maintaining effective relationships with all agencies and organizations that can facilitate the successful return of citizens in its custody to the community.

Our Inmate Services Division staff provide pre-release interventions in collaboration with community-based agencies in several jails; however, several of these programs are currently being curtailed or eliminated altogether due to the current budget cuts in the County. The division staff will continue to focus efforts on pre-release planning and referrals and look for opportunities to expand such collaborations.

Staff from the Detentions mental health clinicians group has initiated an aggressive fact-finding and outreach effort to each of the Social Security Offices in San Diego County in order to develop effective transitions and referrals for persons eligible for such benefits. This project began in March of 2004 and will be on-going, with the goal of establishing Memorandums of Agreement with all SSI offices in San Diego County to enhance the development of timely financial supports to qualified persons.

TRAINING

Grand Jury Findings:

1. As a result of cross training, there has been improved understanding of mental health issues by correctional staff, as well as more effective communication between correctional and clinical staff.
2. The safety and welfare of patients is enhanced through cross training.

Our responses:

1. We agree with this finding.
2. We agree with this finding.

Grand Jury Recommendations:

- 04-03-4 Expand cross training to develop greater understanding of special needs of released mentally ill offenders by opening training sessions to probation officers and workers in the public mental health community.

Our response:

- 04-03-4 The recommendation will not be implemented because it is not reasonably the responsibility of the Sheriff. The Grand Jury recommendation of providing training to the Probation Department, HHSA employees and contractors is outside the scope of the Sheriff's Department.

It is our understanding that HHSA and the Probation Department maintain their own independent training and development departments. We will continue to explore opportunities to collaborate with those organizations to pursue grant funding for special programs and will be mindful of including

training for other providers in those efforts wherever possible.

Should the Board of Supervisors opt to mandate and fund such a training initiative, the Sheriff will assist in the design, development, and implementation of that program.

BUDGET

Grand Jury Findings:

1. Jail staff is working to overcome the budget cuts to maintain quality mental health services in the jails.
2. Long-term plans are needed for additional funding of mental health services in the jails to maintain the current level of care.

Our responses:

1. We agree with this finding.
2. We agree with this finding.

Grand Jury Recommendations:

- | | |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04-03-5 | Work to enhance community understanding of the benefits of effective mental health services in the county jail system in order to generate public and private support. |
| 04-03-6 | Develop long term plans to ensure funding for mental health services in the county jail system. |
| 04-03-7 | Develop and strengthen the working partnerships among Health & Human Services Resource Development Division, Sheriff's Health Services, and Probation Department. This partnership would work on coordinated grant requests so that mental health services grant revenues can be increased. |

Our responses:

- 04-03-5 The recommendation has been implemented. The Department agrees that we share a responsibility to educate the community about the importance of providing effective mental health services in the county jail system. We are actively involved in several community forums, e.g. Psychiatry and the Law Society, Mental Health Advisory Board, LPS Providers monthly meeting, North County Mental Health Providers meeting, and will continue our involvement there.

In addition, we are frequently in contact with the local office of the National Alliance for the Mentally Ill (NAMI) to facilitate advocacy and treatment for family members in custody as well as county and community-based provider organizations. We have, and will continue to be involved in educational forums and meetings and have and will continue to accept speaking engagements to enhance community understanding of the benefits of the care we provide and seek additional support. We regularly participate or give presentations at professional conferences such as the Meeting of the Minds and the Mental Health Recognition dinner and will continue to do so as the opportunity arises. In addition, the Department's Detentions chief mental health clinician is being honored by the San Diego Psychiatric Society this year as the recipient of the Mental Health Awareness award, which reflects our increasing presence in and recognition by the local mental health community.

- 04-03-6 The recommendation has not yet been implemented, but will be implemented in the future. The Sheriff's Department recognizes the general failure of the public mental health system to provide adequate community based services and this reflects a national crisis.

Like all other regions of the United States, San Diego's jails have become the de-facto mental health provider of last resort, and increasingly, the initial provider of mental health care for persons who don't have access to mental health care until after they are incarcerated.

The Medical and the Inmate Services Divisions of the Detentions Bureau are in the process of developing a strategic plan for the provision of services for mentally ill inmates and persons with co-occurring disorders. The Divisions will work in collaboration with the Public Safety Group and the Health and Human Services Agency to pursue appropriate funding levels through the budget process and other opportunities that may be identified.

Sheriff's Medical Services are working with HHSA to consider how to better utilize resources for economy and also the development of additional revenue

streams where possible. One such area under consideration is the appropriate use of coupons and other discounts for drug purchases to reduce the net cost for pharmaceuticals in the treatment of patients in this population.

- 04-03-7 The recommendation has been implemented. The Sheriff is committed to developing and strengthening such partnerships and through its Inmate Services and Medical Services Divisions, has initiated collaborative meetings to pursue additional grant opportunities. We will continue to seek opportunities for collaboration and increased service capacity.

At the time of this writing, the Sheriff's Department, as the lead agency, has initiated a SAMSHA grant application in partnership with HHSA, the Probation Department, and a coalition of community based organizations. The proposed program specifically addresses transitional case management initiatives for inmates with co-occurring disorders such as those successfully utilized in the Connections Program.

MEDICATION

Grand Jury Finding:

1. The county jail health system currently has no other cost effective medication purchasing options.

Our response:

1. We agree with this finding.

Grand Jury recommendations in this area are directed to the Board of Supervisors and not the Sheriff. However, staff from Sheriff's Medical Services will continue collaborating with HHSA to mitigate pharmaceutical costs where possible and appropriate, but only in a supportive role as the responsibility and related revenue for this function rests with HHSA.

CONNECTIONS PROGRAM

Grand Jury Findings:

1. The San Diego County Sheriff's Department has been recognized by the California Board of Corrections as having one of the most successful transition programs and has demonstrated the best outcomes in the state.
2. Without this type of individualized assistance from trained professionals mentally ill offenders do not consistently or automatically receive treatment or help from County mental health service agencies when they are released from jail.
3. When released from jail mentally ill offenders do not necessarily receive assistance, referrals or monitoring for their substance abuse problems.

Our responses:

1. We agree with this finding.
2. We agree with this finding.
3. We agree with this finding.

Grand Jury recommendations in this area are directed to the Board of Supervisors and not the Sheriff.

In closing, I would again like to thank the Grand Jury for their efforts in this investigation. If they need further clarification or additional discussion, please feel free to contact Commander Brian Roberts of our Detention Services Bureau at (858) 974-2278.

Sincerely,



William B. Kolender, Sheriff

WBK:bhr

cc: Members, Board of Supervisors
Walter F. Ekard, CAO
Thomas Pastuszka, Director, Clerk of the Board
Thomas E. McCarthy, Foreman, 2003-2004 Grand Jury



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

22

DATE: July 13, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), your Board approved responses to two of these reports (Conditions & Management of Detention Facilities in San Diego County and Is There a Need For a Regional Fire Authority & Rescue Helicopter in San Diego County?).

This is a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in three of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. The attachments to this letter address the following reports:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury has released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5), your Board approved responses to two of these reports. Three additional report responses are included in this request. Proposed responses for the remaining five reports will be before the Board on August 10, 2004.

The Grand Jury report responses attached to this Board Letter include:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

This is a request for your Board to approve the attached Finding and Recommendation responses to these three reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter

Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☐ Yes

☒ N/A

☒ No

GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

CHIEF TECHNOLOGY OFFICER

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Community Services Group
Health and Human Services Agency
Public Safety Group

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

(619) 531-6271

Phone

(619) 595-4060

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Janice.graham@sdcounty.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

2007 JUN 2 AM 10:18

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

Board Policy A-43, Response to Grand Jury Interim Reports

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

ATTACHMENT A

**COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT:
"MENTAL HEALTH SERVICES IN THE COUNTY JAILS AND IMPACT OF
THE CONNECTIONS PROGRAM"**

Issued April 27, 2004

TREATMENT PROGRAM

Finding 1: The coordinated treatment effort enhances the ability of staff to coordinate clinical and supervisory functions that results in consistent behavior management practices that support patient safety and well-being.

County Response: Agree

Finding 2: Although psychiatric treatment together with drug and alcohol counseling provide some help, these patients have complex problems that require treatment by clinicians who have special knowledge about dual diagnosis management.

County Response: Agree

Finding 3: Treatment program enhancement opportunities are limited.

County Response: Agree

Finding 4: Some patients are able to earn GED credits toward a high school equivalency certificate. Through other classes, some patients are able to address issues involving substance abuse and domestic violence.

County Response: Agree

Finding 5: Vulnerable populations have the need for assistance in securing continuing mental health services upon release. They need case management support and close collaboration with health and human services organizations in order to facilitate patient access to ongoing treatment.

County Response: Agree

Recommendation 04-03-1: Build case management services into contracts with all community-based organizations that serve released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. The County's Mental Health Services program provides mental health case management services in accordance with State law, and to the extent that resources are available. Currently, there are case management programs that serve this and other target

populations, including Telecare, REACH, and the County's case management program. It should be noted that participation in case management services is voluntary once an offender is released from the criminal justice system.

Recommendation 04-03-2: Ensure that reliable and consistent drug and alcohol counseling services are included in the Sheriff's mental health programs with a focus on specialized dual diagnosis treatment.

County Response: Concur with that part of the response from the Sheriff which states: "This recommendation requires further analysis. The Department recognizes the importance of reliable and consistent drug and alcohol counseling services and the extent of persons with co-occurring disorders in the criminal justice system and the jails. In October 2003, the Department successfully competed for a 3-year U.S. Department of Education grant for life skills education that provides in-custody educational interventions for persons with substance abuse, domestic violence, and parent-child problems.

In addition, many of the persons enrolled in this program have co-occurring disorders. This program is provided with a coalition of community-based organizations through the Inmate Services Division under the direction of the Detentions chief mental health clinician who is also the project director.

Additionally, there are Alcoholics Anonymous and Narcotics Anonymous and Dual Recovery Anonymous groups available throughout the jail system. As a State of California requirement for licensure, the mental health clinicians receive continuing education for such disorders. The in-patient programs at Las Colinas and San Diego Central Jail include such program offerings in the in-patient program.

The Department is mindful of the extent of this population in custody and is investigating the feasibility of additional treatment options and specialty staffing, such as a therapeutic community program. Given the current state of the budget, these opportunities will need to be sought by private or grant funding in the foreseeable future and it is our intention to do so."

It is anticipated that this additional analysis will be completed within six months.

Recommendation 04-03-3: Enhance collaborative efforts with community-based organizations and with the local office of the Social Security Administration to facilitate access to services and benefits for released mentally ill offenders.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff's Department is committed to developing and maintaining effective relationships with all agencies and organizations that can facilitate the successful return of citizens in its custody to the community.

Our Inmate Services Division staff provide pre-release interventions in collaboration with community-based agencies in several jails; however, several of these programs are currently being curtailed or eliminated altogether due to the current budget cuts in the County. The division staff will continue to focus efforts on pre-release planning and referrals and look for opportunities to expand such collaborations.

Staff from the Detentions mental health clinicians group has initiated an aggressive fact-finding and outreach effort to each of the Social Security Offices in San Diego County in order to develop effective transitions and referrals for persons eligible for such benefits. This project began in March of 2004 and will be on-going, with the goal of establishing Memorandums of Agreement with all SSI offices in San Diego County to enhance the development of timely financial supports to qualified persons.”

TRAINING

Finding 1: As a result of cross training, there has been improved understanding of mental health issues by correctional staff, as well as more effective communication between correctional and clinical staff.

County Response: Agree

Finding 2: The safety and welfare of patients is enhanced through cross training.

County Response: Agree

Recommendation 04-03-4: Expand cross training to develop greater understanding of special needs of released mentally ill offenders by opening training sessions to probation officers and workers in the public mental health community.

County Response: This recommendation will not be implemented because it is not warranted. The County’s Mental Health Services staff currently provides substantial training to law enforcement agencies that interact with released mentally ill offenders, including the San Diego Police Department, the Psychiatric Emergency Response Team (PERT), the State Department of Corrections Parole Office, the Sheriff’s Department, and the Probation Department. We will continue to explore opportunities to collaborate with organizations on special training needs as funding allows.

BUDGET

Finding 1: Jail staff is working to overcome the budget cuts to maintain quality mental health services in the jails.

County Response: Agree

Finding 2: Long-term plans are needed for additional funding of mental health services in the jails to maintain the current level of care.

County Response: Agree

Recommendation 04-03-5: Work to enhance community understanding of the benefits of effective mental health services in the county jail system in order to generate public and private support.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Department agrees that we share a responsibility to educate the community about the importance of providing effective mental health services in the county jail system. We are actively involved in several community forums, e.g. Psychiatry and the Law Society, Mental Health Advisory Board, LPS Providers monthly meeting, North County Mental Health Providers meeting, and will continue our involvement there.

In addition, we are frequently in contact with the local office of the National Alliance for the Mentally Ill (NAMI) to facilitate advocacy and treatment for family members in custody as well as county and community-based provider organizations. We have, and will continue to be involved in educational forums and meetings and have and will continue to accept speaking engagements to enhance community understanding of the benefits of the care we provide and seek additional support. We regularly participate or give presentations at professional conferences such as the Meeting of the Minds and the Mental Health Recognition dinner and will continue to do so as the opportunity arises. In addition, the Department's Detentions chief mental health clinician is being honored by the San Diego Psychiatric Society this year as the recipient of the Mental Health Awareness award, which reflects our increasing presence in and recognition by the local mental health community."

Recommendation 04-03-6: Develop long term plans to ensure funding for mental health services in the county jail system.

County Response: Concur with that part of the response from the Sheriff, which states: "The recommendation has not yet been implemented, but will be implemented in the future.

Like all other regions of the United States, San Diego's jails have become the de-facto mental health provider of last resort, and increasingly, the initial provider of mental health care for persons who don't have access to mental health care until after they are incarcerated.

The Medical and the Inmate Services Divisions of the Detentions Bureau are in the process of developing a strategic plan for the provision of services for mentally ill inmates and persons with co-occurring disorders.

Sheriff's Medical Services are working with HHSA to consider how to better utilize resources for economy and also the development of additional revenue streams where possible. One such area under consideration is the appropriate use of coupons and other discounts for drug purchases to reduce the net cost for pharmaceuticals in the treatment of patients in this population."

It is anticipated that the strategic plan discussed above will be completed during Fiscal Year 2004-05.

Recommendation 04-03-7: Develop and strengthen the working partnerships among Health & Human Services Resource Development Division, Sheriff's Health Services, and Probation Department. This partnership would work on coordinated grant requests so that mental health services grant revenues can be increased.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff is committed to developing and strengthening such partnerships and through its Inmate Services and Medical Services Divisions, has initiated collaborative meetings to pursue additional grant opportunities. We will continue to seek opportunities for collaboration and increased service capacity.

At the time of this writing, the Sheriff's Department, as the lead agency, has initiated a SAMSHA grant application in partnership with HHSA, the Probation Department, and a coalition of community based organizations. The proposed program specifically addresses transitional case management initiatives for inmates with co-occurring disorders such as those successfully utilized in the Connections Program."

MEDICATION

Finding 1: The county jail health system currently has no other cost effective medication purchasing options.

County Response: Agree

Recommendation 04-03-8: Explore drug purchasing alternatives including those utilized by other states and public agencies to identify potential cost-savings.

County Response: This recommendation has been implemented. As described in the Sheriff's response to this recommendation, staff in the Sheriff's Department and Health and Human Services Agency are working together as members of the County Pharmacy and Therapeutics Committee to consider cost-saving measures and mitigate pharmaceutical costs where practical.

CONNECTIONS PROGRAM

Finding 1: The San Diego County Sheriff's Department has been recognized by the California Board of Corrections as having one of the most successful transition programs and has demonstrated the best outcomes in the state.

County Response: Agree

Finding 2: Without this type of individualized assistance from trained professionals mentally ill offenders do not consistently or automatically receive treatment or help from County mental health service agencies when they are released from jail.

County Response: Agree

Finding 3: When released from jail mentally ill offenders do not necessarily receive assistance, referrals or monitoring for their substance abuse problems.

County Response: Agree

Recommendation 04-03-9: Implement a training initiative for probation officers and workers in the public mental health and community agencies in order to enhance their understanding of special needs and concerns of released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. Such training currently takes place. We will continue to explore opportunities to expand this training as staffing and funding levels permit.

ATTACHMENT B

COUNTY OF SAN DIEGO RESPONSES TO 2003-2004 GRAND JURY REPORT: "PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN: TIME TO PROFESSIONALIZE?"

Issued May 19, 2004

Findings:

1. We found that instead of utilizing professional assessments to develop evaluations and the scope of work to be done, the PA/PG Property Manager relied on and utilized informal working relationships with contractors as if they were direct employees.

Disagree. All independent contractors utilized by the (Public Administrator/Public Guardian) PA/PG's office are professionals in their specific disciplines. Independent contractors utilized by the PA/PG's Office have formal service contracts. These contracts have specific insurance and bonding requirements that have been approved by the Office of County Counsel. The scope of all work to be performed by independent contractors is reviewed and verified in detail by the Estate Property Manager.

2. Because of the informal working relationship between the PA/PG Property Management officials and the contract handyman, we were unable to determine with any specificity either the scope of work or the quality of work that was done at the real property.

Disagree in part. The scope of work for the estate property featured in the Grand Jury's review was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and independent contractor. The independent contractor performed all repair work pursuant to a fully executed service contract with the PA/PG's Office. The Estate Property Manager performed a site visit after the work was completed to ensure the repairs were done in a satisfactory manner. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized forms which clearly illustrate the specific scope of work assigned to contractors and checklists to document the Estate Property Manager's review and verification of work performed.

3. Oversight and verification of work performed by the handyman at the property was minimal. This prevented verification of what precise work was done to respond to specific problems that needed repair before tenant occupancy.

Disagree in part. The scope of work for repairs at the property was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and contract handyman. The Estate Property Manager also

performed a site visit after the work was completed to verify the precise work that was done. All repairs were completed to the satisfaction of the Estate Property Manager and met housing code requirements. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized checklists to document the Estate Property Manager's review and verification of work performed.

4. The predominant focus of PA/PG Property Management was not on "what needed to be done" but on "what minimum needed to be done" to get the desired rent and to make the property "tenable."

Disagree. The predominant focus of the PA/PG's office was the preservation of and safeguarding of estate assets. A conservator must "consider several factors, such as terms of the will (if known), age, life expectancy, size of estate" (California Conservatorships and Guardianships Sec. 12.57) "A conservator's duty falls somewhere between a trustee's and an executor's.....A conservator or guardian is not specifically charged, as he or she would be in a trust, with protecting the remainderman's interest." Thus, as conservator, the Public Guardian must balance many factors, always keeping in mind that the conservatee must have his or her needs met. So while the PA/PG's office had to be aware of the conservatee's estate plan and attempt to maintain the ratios he hoped to leave upon his death, the reductions of costs and production of income certainly was a key factor in providing for the conservatee in his lifetime. The needs of the conservatee took precedence then over needs of the heirs in any balancing test.

5. In 2003 the tenant reported problems in the house that revealed extensive water and mold damage throughout the house. Yet only two minor expenditures were made in 2001 and 2003 to repair the roof.

Agree. According to the Grand Jury's review, the tenant reported problems to the private administrator of the decedent estate regarding water and mold damage at the time of her eviction, which occurred several months after the PA/PG's office ceased involvement in managing this estate asset. Records indicate that while the Public Guardian acted as conservator of the estate, the PA/PG's Rental Agent responded to both of the complaints submitted by the tenant and that repairs were made in a timely manner. Therefore, any extensive water and mold damage found should be attributed to the tenant's negligence in her responsibility to report these issues to the PA/PG's Rental Agent and/or private administrator.

6. In addition to what ultimately became \$13,000 in lost rental revenue, the contract rental agent and PA/PG Property Management officials did not assess \$35 late payment fees for the remaining 27 months that the tenant's rent was late.

Disagree in part. The PA/PG's Rental Agent collected 30½ out of the 33 months of rent owed while the estate was administered by the PA/PG's office and during the transition to the private administrator. The total deficit of rental payments was \$6,250 when the estate assets were marshaled by the private administrator. The discretionary late payments were not collected.

However, it should be noted that all financial transactions pertaining to this conservatorship estate were fully documented and reported to the Superior Court in the mandatory Accounting. Notice was sent to all parties and included with the notice was the Accounting and all pertinent schedules. The parties were also notified of the date and time of the hearings on the Accounting. At no time did anyone appear or object to the Accounting and as a result, a Court Order was issued. This Order later became a final judgment.

Finally, it is important to note that the long period of alleged rental deficit occurred during the probate administration, not the conservatorship. A Probate Administrator's duties begin when they are issued letters of administration. A conservator's authority terminates upon the death of a conservatee except for safeguarding assets until delivery to the successor.

7. There was no written procedures in place to guide the decision-making and actions by PA/PG staff and especially by their contract rental agent when there is prolonged non-payment of rent.

Agree. Written procedures have since been developed and implemented to better guide decision-making and actions by PA/PG staff and the PA/PG's Rental Agent when there is a prolonged non-payment of rent. A monthly report is also submitted by the PA/PG's Rental Agent to the Estate Property Manager and PA/PG summarizing the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

8. There appeared to be more concern about the work that would need to be done and the cost if the tenant vacated the property than on the department's obligation to protect and enhance the largest asset of the estate.

Disagree in part. The PA/PG does not have a statutory obligation to enhance estate assets. As many estates do not have assets outside of real property, any "enhancement" would necessitate the expenditure of County general fund dollars for the benefit of private estates, which would be an unacceptable use of taxpayer dollars.

Properties that can be made tenable like the one reviewed by the Grand Jury are rented out to earn income for the estate and reduce costs associated with insurance. The cost of insuring an unoccupied residence is generally higher,

therefore renting out a property like this one is fiscally prudent. The cost of insuring this specific property, while occupied, was \$775 a year. Had it been unoccupied, the estate would have been assessed \$5,994 for insurance each year and lost \$2,500 in rental income each month (\$30,000 annually).

It must again be emphasized that the best interest of the conservatee would necessitate reduced costs and expenses and an increase in income stream in order to provide for his or her daily needs.

9. The PA/PG has not instituted sufficient safeguards and reporting mechanisms for their monitoring and evaluation of performance of the rental agent.

Disagree in part. The PA/PG's Rental Agent generally meets with the Estate Property Manager once each week. These frequent and regular meetings have enabled PA/PG representatives to closely monitor and evaluate the Rental Agent's performance. In addition to continuing the regularly scheduled meetings, the Rental Agent's contract with the PA/PG's office now requires (1) A written property assessment for each handled property; (2) A written plan to address any property defects to make the property tenable; (3) Completion of tenant checklists; and (4) Regular safety and maintenance reviews for occupied properties. These documents are also reviewed by the Public Administrator/Public Guardian (Director) allowing for an additional level of oversight for property management activities.

10. It does not appear that the PA/PG Property Management Division has a goal to "seek to know and respond to" problems; instead they appeared to do and spend as little as possible on problems.

Disagree. The Estate Property Manager, under general direction of the PA/PG, is charged with evaluating, managing renovating and selling real property. The position also oversees all aspects of marshalling, securing, distributing and liquidating personal property from estates. The incumbent is dedicated to knowing, understanding and working through problems associated with the real and personal property from the 700-900 estates administered by the PA/PG's office at any given time.

11. There are no formal mechanisms or policies that require notices about significant events or changes in tenants or vendors to be sent from PA/PG Property Division to the case managers so that timely and appropriate business decisions or actions can be taken by them.

Disagree in part. The Estate Property Manager makes personal contact with Case Managers when significant events occur on real property assets. Moreover,

in late 2003, the PA/PG began holding monthly Real Property Roundtable meetings with the Estate Property Manager and Case Managers to discuss the status of all real property and review policies and procedures for managing real property estate assets. Revised policies and procedures now require that significant events or changes in tenants or vendors be memorialized in writing and in the "Events Screen" of the PA/PG's automated case management system.

12. There are not joint authorization requirements or procedures in effect in PA/PG so that there can be joint accountability for expenditures related to property management projects and expenses.

Disagree. Joint authorization for expenditures related to property management projects and expenses does in fact occur in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The chit is signed by this employee and forwarded to the PA/PG's Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

It is also important to note that a Property Plan meeting is held with the Estate Property Manager and Case Manager directly after the PA/PG is appointed as conservator or administrator of an estate with real property assets. During this meeting, the scope of required repairs is discussed as well as the budget required to complete the repairs. This is necessary, especially in the case of conservatorship estates, because the primary responsibility of the conservator is the month-to-month care payments for the conservatee. No amount can or would be spent on property maintenance or repairs that would in turn jeopardize the conservatee's personal care needs.

13. PA/PG Policies and Procedures direct officials to protect and preserve the assets of a Conservatee's estate until it is transferred to a private administrator. They do not specify when the transfer should occur or the specific steps that should be followed in order to execute it.

Agree. Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A more specific procedure, including a timeline, would be impossible to dictate given the

requirement of the private administrator to collect the income and assets upon appointment. In the case reviewed by the Grand Jury, the private administrator was fully aware the real property asset was rented but made no effort to contact the PA/PG's Rental Agent to have the rent receipts transferred to the decedent estate. The Case Manager was also in contact with the private administrator on three separate occasions with requests for him to pick up the estate's personal property stored in the PA/PG's warehouse. The private administrator's failure to marshal these assets after a several month period necessitated the Case Manager to contact the heirs of the estate directly.

14. Had there been a formal transfer of responsibility and full disclosure regarding the status of tenancy, terms of the rental agreement, proper designation of the security deposit transfer and condition of the property on December 23, 2002, the course of events over the following months until distribution of property in August could have been different.

Disagree in part. A formal transfer of responsibility in this case was in fact attempted by the PA/PG's office, however, the private administrator's unresponsiveness prevented a timely transfer to occur. Within two weeks of the death of the conservatee, the PA/PG's office provided the private administrator with information regarding the real property asset, including insurance, status of tenancy and terms of the rental agreement. Even though the private administrator was fully aware the property was rented, he made no effort to contact the Rental Agent and have rent payments transferred to the decedent estate. As noted above, the Case Manager also made personal contact with the private administrator on three separate occasions with requests for him to pick up the personal property stored in the PA/PG's warehouse. These requests to marshal the estate's assets were also ignored for several months requiring the Case Manager to contact the heirs of the estate directly.

15. Our investigation and case study illustrates the need to make comprehensive revisions and additions to the PA/PG Policies and Procedures Manual.

Agree. The PA/PG Policy and Procedure Manual has been undergoing a comprehensive review and revision to reflect recent changes in State Legislation and Local Court Rules, rulings made by new Probate Judges and recommendations from the HHS Compliance Officer. The revised PA/PG's Policy and Procedure Manual is scheduled for completion by August 2004.

Recommendations:

- 04-06-1 Enact and implement policies and procedures that require the procurement and utilization of independent professional assessments and evaluations regarding the condition of real property including roofs, plumbing, structural integrity and overall maintenance whenever possible when initially entrusted to the care of the PA/PG.**

This recommendation will not be implemented.

As a fiduciary, the PA/PG is charged with marshaling and safeguarding property. In this role, the PA/PG is also required to exercise prudence in the expenditure of estate funds, which does not extend to independent, professional assessments on real property assets. The independent contractors currently retained by the PA/PG are qualified to evaluate properties and complete recommended repairs in order to make the properties tenable and satisfy housing code guidelines.

- 04-06-2 Enact and implement policies and procedures that require the development of a clearly defined scope of work to be performed on real property projects over \$500, prior to the solicitation of bids from authorized providers.**

This recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires that all real property repair projects over \$500 have a clearly defined scope of work.

- 04-06-3 Enact and implement policies and procedures that require accountability and verification of work performed under service contracts on real property entrusted to the PA/PG.**

The recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires the PA/PG Rental Agent to submit recommendations for repairs on a standardized California Association of Realtors form entitled "Statement of Condition." The policy also requires the following:

- (1) The Estate Property Manager and assigned Case Manager review and approve all planned repairs and associated costs for real property improvements;
- (2) The Estate Property Manager personally review major repair work performed by contractors;

- (3) The Estate Property Manager and assigned Case Manager review and approve all invoices associated with work performed under service contracts on real property managed by the PA/PG's office.

04-06-4 Enact and implement policies and procedures that require adherence to Property Management standards of practice for the maintenance of property, for the collection of rents and for evicting tenants for non-payment of rent.

This recommendation will not be implemented as current policies and procedures address these issues.

It is the policy of the PA/PG's office to manage property in such a way as to maximize both the security and the estate value of the properties. PA/PG Policy and Procedure Manual Section 3.3 details the responsibilities of the Estate Property Manager to adhere to property management standards of practice. Industry standards are used for the collection of rent and eviction of tenants for non-payment of rent when such action is not detrimental to the estate.

04-06-5 Enact and implement policies and procedures that reinforce the importance of protecting, preserving and enhancing the assets of estates.

This recommendation will not be implemented as current policies and procedures address these issues.

PA/PG policies and procedures have historically and consistently reinforced the importance of marshalling, protecting and preserving the \$40-\$50 million of assets under the care of the PA/PG's office. These assets include real and personal property, business interests, cash, stocks, bonds, mutual funds, annuities and insurance policies. In addition, monthly in-service trainings and Real Property Roundtable meetings, which have been in effect since 2003, provide opportunities for Property and Case Management Division representatives to regularly review policy and procedures concerning the management of estate assets. These regular meetings also provide a forum to discuss the status of real and personal property assets of individual estates.

04-06-6 Ensure that PA/PG contracts with the rental agent includes requirements for, at a minimum, quarterly inspections and the submission of regular reports regarding the maintenance conditions of properties the contractor is responsible for.

This recommendation has been implemented.

The PA/PG's revised Rental Agent Contract includes requirements for quarterly inspections and submission of reports on maintenance conditions for each property that he/she has been contracted to manage. Standardized forms offered

by the California Association of Realtors are now utilized for quarterly inspections and reports. All reports are reviewed the Estate Property Manager and Director.

- 04-06-7 Enact and implement policies and procedures that require monthly reports regarding rental income and other reports that would enable oversight and the evaluation of the information in the reports by PA/PG Management.**

This recommendation has been implemented.

The revised PA/PG Policy and Procedure Manual Section 3.3 requires the PA/PG Rental Agent to submit a monthly report to the Estate Property Manager and Director which summarizes the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

- 04-06-8 Enact and implement policies and procedures that establish and require formal notice and communication mechanisms between PA/PG Property Management and Case Management Divisions regarding key events and transactions related to property entrusted to the department.**

This recommendation will not be implemented as current policies and procedures address these issues.

Key events and transactions related to property entrusted to the department have historically and consistently been communicated by e-mail exchanges, documentation in case files, meetings between the Estate Property Manager and Case Manager and discussions at monthly Real Property Roundtable meetings which are chaired by the PA/PG. In addition, Real Property issues have been included as a standing item at weekly PA/PG Management Team meetings, which are also chaired by the PA/PG. As with all estate administration activities, key events and transactions related to real property entrusted to the department are memorialized in the "Events Screen" of the PA/PG's automated case management system.

- 04-06-9 Enact and implement policies and procedures that establish requirements for joint authorizations between Property Management and Case Management Divisions for expenditures related to property management projects and expenses.**

This recommendation will not be implemented as current policies and procedures address these issues.

Joint authorization for expenditures related to property management projects and expenses has historically and consistently been required in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The chit is signed by this employee and forwarded to the PA/PG's

Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

- 04-06-10 Enact and implement policies and procedures that establish clarity in responsibility, time-lines, protocols and other necessary details related to the proper transfer of Conservatee estates to private sector administrators.**

This recommendation has been implemented.

Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A revision was added for the assigned Case Manager to advise the Public Administrator/Public Guardian when private sector administrators, heirs or beneficiaries do not respond timely to requests for instruction concerning the collection of the conservatee's estate assets so that additional measures can be taken personally by the Director with the private administrator and/or Superior Court officials.

- 04-06-11 Evaluate and make appropriate revisions and additions to the PA/PG Policies and Procedures Manual.**

The recommendation will not be implemented.

A comprehensive review and revision of the PA/PG Policy and Procedure Manual has been underway for several months. The revisions reflect recent changes in State Legislation, Local Court Rules, rulings made by new Probate Judges and recommendations from the HHSA Compliance Officer.

- 04-06-12 Implement a comprehensive training program for all department staff regarding their performance under the revised Policies and Procedures.**

The recommendation will not be implemented.

The department's ongoing monthly in-service training program has continuously featured updated policies and procedures concerning real and personal property asset management.

ATTACHMENT C

COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT: "TOUCH-SCREEN VOTING – THE FUTURE OR FAILURE?"

Issued May 27, 2004

FINDINGS

Finding 1: A number of voters were either completely or partially disenfranchised as a result of the late opening of some precincts.

County Response: Disagree in part. An undetermined number of voters were inconvenienced in varying degrees by the late opening of the polls. Poll workers reported that many voters, unable to vote in the morning, returned later in day.

Finding 2: The short time frame from approval-to-receipt-to-distribution-to-implementation of the new voting technology significantly impacted the implementation process.

County Response: Agree.

Finding 3: Outside activities such as lawsuits, media distraction, Secretary of State rulings often diverted attention and effort from the immediate task of implementing the new voting system.

County Response: Agree.

Finding 4: Recruiting of System Inspectors needs to be enhanced to do a better evaluation of their PC literacy and comfort with technology.

County Response: Agree.

Finding 5: The training and support materials for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The training and support materials addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the training and support materials lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 6: The classes for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The classes addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the classes lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 7: The way the ROV implemented the new voting system made it impossible to be “hacked” from the outside. There was no external access to the PCMs or touch-screens.

County Response: Agree.

Finding 8: The current method of insuring the security of the PCMs by sealing the case in which they are stored contributed to the battery discharge issue.

County Response: Agree.

Finding 9: The access security to the supervisor software on the touch-screens is unacceptable as currently implemented by the vendor.

County Response: Agree.

Finding 10: The design of the door securing the ballot memory card on the touch-screen unit requires breaking the door seal to turn on the machine. This means the ballot memory card is not secured by a seal during the Election Day.

County Response: Agree.

Finding 11: The lack of a voter verifiable paper trail makes it difficult to convince the public of the integrity of the new voting technology.

County Response: Disagree in Part. This is true for some members of the public; however, feedback from voters and poll workers indicated a very high level of confidence in the touchscreen voting system.

Finding 12: A voter verifiable paper trail would be a significant tool in auditing the results of electronic vote tabulation.

County Response: Disagree in Part. A voter verifiable paper trail *could* be one method of auditing the results, provided it is functional and reliable in a real election environment.

Finding 13: A voter verifiable paper trail could be a valuable tool in a recount of close elections.

County Response: Agree.

Finding 14: The timeframe of the March 2004 Primary Election did not allow for distributing appropriate paper ballots to each precinct.

County Response: Agree.

RECOMMENDATIONS

Recommendation 04-09-1: Require modification of the recruiting and selection process for poll workers to include an evaluation of the candidate's PC literacy and comfort level in dealing with electronic systems.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters is researching methods to best evaluate the ability of potential poll workers to use electronic equipment and plans to develop a survey/test to be completed prior to selection and assignment.

Recommendation 04-09-2: Require a review of the training materials, classes, and choice of instructors. Procedures and documentation should be modified or rewritten. Instructions for the resolution of the battery problem encountered in March should be added to the training and documentation. Consideration should also be given to having the materials and classes redone by professional trainers.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters plans a complete overhaul of its training program, including the training materials, classes and instructors, in consultation with a training professional. Expanded troubleshooting guidance will be included in training materials.

Recommendation 04-09-3: Require a new method for securing the integrity of the Precinct Control Modules to allow them to be plugged in, charged, and inspected by the poll workers before the day of the election while maintaining the security of the equipment.

County Response: The recommendation is in the process of being implemented. If, and when, the PCM is deployed again, the Registrar of Voters will provide a means to test and charge the unit without compromising security.

Recommendation 04-09-4: Require the vendor to change the master access cards that are generic nationwide to cards that are at least specific to San Diego County if not individually unique. The vendor should also be requested to allow the passwords associated with the master access cards to be chosen and generated locally by the Registrar of Voters.

County Response: The recommendation has been implemented. The vendor's newest TSx firmware (4.4.5) and GEMS integrated system software (1.18.19) has been federally qualified (NASED number 1-06-12-22-001). It includes enhancements that will allow the master access cards to be specific for San Diego and for the passwords to be chosen and generated locally by the Registrar of Voters.

Recommendation 04-09-5: Require the vendor to modify the door securing the on/off switch and ballot memory card on the touch-screen machines so that the system can be turned on or off without breaking the seal on the memory card.

County Response: The recommendation requires further analysis. This recommendation would require a retrofit of the TSx voting units, which could have certification or warranty implications. We may be able to address the security concern in ways other than modifying the voting units. Analysis of this recommendation will be completed by November 27, 2004.

Recommendation 04-09-6: Require the vendor to design and implement a voter verifiable paper trail for each vote cast. The paper trail votes would be retained at the precinct, archived, and used only for random validation of electronic votes in selected precincts or in the case of a closely contested race requiring a recount. A paper trail is required by the Secretary of State for the 2006 elections.

County Response: The recommendation is in the process of being implemented. Diebold is contractually required to provide the County with a touchscreen system certified by the Secretary of State. Current state certification requirements for this system include an accessible voter verifiable paper trail.

Recommendation 04-09-7: Require that paper ballots be available at all polling places for voters to use at their option.

County Response: The recommendation has been implemented for the November 2004 Election. All polling locations will have paper optical scan ballots. When the touchscreens are deployed again, the accessible voter-verified paper trail, along with improved training of poll workers and other back-ups and safeguards in the system, should eliminate the need for paper ballots at the polls.

Report Title: Senior Volunteer Patrols

Due Date: 08/30/04

Report #: 04-04

Responding Agency:

San Diego County Sheriff

La Mesa Police Department

San Diego Police Department



THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE
OUR REF. NO.
4700

June 2, 2004

Grand Jury
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101

RECEIVED

JUN 14 2004
SAN DIEGO
COUNTY GRAND JURY

Dear Ladies & Gentlemen of the San Diego County Grand Jury:

I have reviewed with pleasure the contents of your Report 2003/4-04, Senior Volunteer Patrols. I am in full agreement with the observations and conclusions it contained. The San Diego Police Department's Retired Senior Volunteer Program is an invaluable and indispensable component of our commitment to enhance the quality of life in the City of San Diego. Recognition of contributions made by our RSVP's is highly welcome and will be shared with each and every member.

I am pleased to provide you with the Department's specific responses to your findings and recommendations, as required by the California Penal Code.

Findings:

"The Senior Volunteer program provides a real service to the community by performing the routine duties that were formerly performed by sworn officers to focus on protecting the citizens of San Diego County."

The Department agrees with this finding. We are committed to full support of the RSVP program. It benefits the community and our officers derive much from its contributions.

Recommendation 04-04-1:

"Senior Volunteer Programs should continue to be funded in the communities they serve."

The Department agrees with this recommendation. The San Diego Police Department's RSVP program continues to be funded by a variety of sources. The Department provides and maintains vehicles for the RSVP's and provides initial uniforms and equipment for members. Each RSVP



Office of the Chief of Police

1401 Broadway • San Diego, CA 92101-5729

Tel (619) 531-2000

Division, of which there are eleven, is supported by a 501(c(3)) entity. These entities receive contributions for additional needs. The program receives additional funding support from Community Development Block Grant resources, through the offices of the City Council.

Recommendation 04-04-2:

“Where appropriate, law enforcement agencies should examine ways to have additional duties and responsibilities performed by Senior Volunteers.”

The Department also agrees with this recommendation. Our Office of Volunteer Services actively monitors RSVP activities. Recently, the administrative support for this program was bolstered by the addition of management personnel. Staff members attend regional and national conferences focusing on enhancing volunteer programs, through the sharing of best practices.


Office staff members routinely receive requests for services from all sources and coordinate program response as appropriate.

In October of last year, office staff submitted the results of a survey conducted on ways that RSVP's could increase activity in the area of crime prevention. Some recommendations are being implemented and others are still being evaluated.

A protocol to permit RSVP's assigned to the Department's Traffic Division to direct traffic has recently been implemented. These RSVP's receive additional training and equipment so that they can assist with traffic direction at certain incidents.

Thank you very much for your in-depth report. I appreciate your comments.

Sincerely,


William Lansdowne
Chief of Police



San Diego County Sheriff's Department

Post Office Box 429000 • San Diego, California 92142-9000



William B. Kolender, Sheriff

Barry R. Zuniga, Undersheriff

June 24, 2004

RECEIVED

JUN 30 2004

SAN DIEGO

COUNTY GRAND JURY

RECEIVED

JUN 29 2004

The Honorable John S. Einhorn, Presiding Judge
San Diego Superior Court
PO Box 122724
San Diego, CA 92112

Dear Judge Einhorn:

Response To The Grand Jury Report "Senior Volunteer Patrols" In Accordance With §933 (c) PC.

I received the Grand Jury's report. I agree with the findings of the Grand Jury regarding senior volunteer patrols. It is my intent to ensure discussion of the report and recommendations at the next Contract Cities' meeting.

Recommendation 04-04-1 from the Grand Jury, "*Senior Volunteer Programs should continue to be funded in the communities they serve.*" This recommendation has been implemented, and is agreed upon by all communities the Senior Volunteer Patrol Program currently serves. The Sheriff's Department will continue to share information with contract cities to support the funding of the Senior Volunteer Patrol Program.

Recommendation 04-04-2 from the Grand Jury, "*Where appropriate, law enforcement agencies should examine ways to have additional duties and responsibilities performed by Senior Volunteers.*" The recommendation has been implemented and will be a continuing process to ensure the success of the program. The Sheriff's Department Volunteer Coordinator continues to find additional duties and responsibilities for the Senior Volunteers. This is done through networking with other agencies, not only in San Diego, but in other States as well.

Thank you for the opportunity to review the Grand Jury's findings and recommendations. If you have further questions please contact Assistant Sheriff Bill Gore of the Law Enforcement Services Bureau at (858) 974-2295.

Sincerely,

William B. Kolender, Sheriff

WBK:js

cc: Board of Supervisors

"Keeping the Peace Since 1850"



City of La Mesa

ADMINISTRATIVE SERVICES

November 30, 2004

RECEIVED
NOV 30 2004
SAN DIEGO
COUNTY GRAND JURY

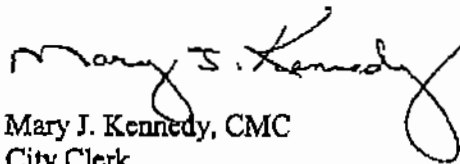
William L. Westlake
Foreman
Grand Jury
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Dear Mr. Westlake:

We are in receipt of your correspondence dated November 22, 2004. In order to comply with the December 6, 2004 date contained therein, we are forwarding the attached draft responses pending the final versions subsequent to City Council consideration. Please accept our apology as the draft responses were inadvertently omitted from the City Council's agenda. Please note that we will be scheduling the Council's consideration of the draft responses at the next available meeting on December 14, 2004. We believe the Council will approve the draft responses, and accordingly we will be forwarding the final copies to your office on December 15, 2004.

If there are any questions or comments, please feel free to contact me directly at 619-667-1130.

Sincerely,


Mary J. Kennedy, CMC
City Clerk

Attachments

cc: Glenn Sabine, City Attorney
Sandra Kerl, City Manager



City of La Mesa

POLICE DEPARTMENT

June 9, 2004

John S. Einhorn, Presiding Judge
San Diego Superior Court
220 W. Broadway
San Diego, CA 92101

The Honorable John S. Einhorn, Presiding Judge:

This letter is in response to the Grand Jury Report entitled: "Senior Volunteer Patrols." The following is the City of La Mesa and the La Mesa Police Department's response to Grand Jury recommendations 04-04-1 and 04-04-2.

Grand Jury recommendation 04-04-1: Senior Volunteer Programs should continue to be funded in the communities they serve.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Grand Jury recommendation 04-04-2: Where appropriate, law enforcement agencies should examine ways to have additional duties and responsibilities performed by Senior Volunteers.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Working in Partnership with Our Community

John S. Einhorn, Presiding Judge
June 9, 2004
Page 2 of 2

The La Mesa Police Department began its Retired Senior Volunteer Patrol (RSVP) program in August of 1994. At one point the program had 82 volunteers. We currently have 67 volunteers who work under a non-sworn coordinator. Each RSVP is required to complete a twelve-week training program consisting of two sessions per week.

The La Mesa Police Department's RSVP are responsible for conducting vacation checks for residences and businesses, enforcing Vehicle Code and Municipal Code violations and providing traffic control at collision scenes, special events or major incidents.

They have been tasked with assisting in the Business Office performing a multitude of tasks, and in the Investigations Unit, working with Detectives in the areas of Megan's Law and Missing Persons.

The RSVP's make countless citizen contacts, including Senior Safety Presentations, conducting bicycle registration and issuing helmet warnings to underage riders.

We also have RSVP's who work with the La Mesa Fire Department installing blue Botts dots in the roadway or repainting fire hydrants. During the course of their workday they may also be assigned any other duties that are deemed appropriate by their supervisor.

Sincerely,



Cliff Resch
Chief of Police

CR:adv



City of La Mesa

POLICE DEPARTMENT

June 9, 2004

John S. Einhorn, Presiding Judge
San Diego Superior Court
220 W. Broadway
San Diego, CA 92101

The Honorable John S. Einhorn, Presiding Judge:

This letter is in response to the Grand Jury Report entitled: "Juvenile Diversion." The following is the City of La Mesa and the La Mesa Police Department's response to Grand Jury recommendations 04-05-1, 04-05-2 and 04-05-3.

Grand Jury recommendation 04-05-1: Where necessary, a four-month or longer Juvenile Diversion program should be made available.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Grand Jury recommendation 04-05-2: Use of the CROP program should be encouraged where appropriate.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Working in Partnership with Our Community

John S. Einhorn, Presiding Judge
June 9, 2004
Page 2 of 2

Grand Jury recommendation 04-05-3: Agencies / jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day Challenge Camp.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(4),

- The recommendation will not be implemented because it is not warranted or is not reasonable.

The La Mesa Police Department's Juvenile Diversion Program was established in 1991 and is currently five months in length. The Program incorporates a juvenile Law Class that is mandatory for the juvenile offender and their parents. The juvenile offender must write a 600-word essay and perform an average of 30 hours of community service. Depending on the violation by the juvenile offender additional requirements may be placed on the contract. Currently the recidivism rate for juvenile offenders being re-arrested is 2% for offenders who have participated in the La Mesa Police Department's Juvenile Diversion Program.

The La Mesa Police Department has used the CROP Program in the past and continues to use it when the situation warrants that type of program.

The La Mesa Police Department contacted the San Diego County Sheriff's Department, who is responsible for the three day Challenge Camp. Based on information obtained from Sheriff's Department, the Challenge Camp program has been eliminated due to budget cuts.

Sincerely,



Cliff Resch
Chief of Police

CR:adw

REPORT



CITY OF LA MESA

TO the MAYOR and MEMBERS of the CITY COUNCIL From the CITY MANAGER

DATE: June 22, 2004

SUBJECT: Responses to Grand Jury Reports
2003/4-04 and 2003/4-05

ISSUING DEPARTMENT: Police Department

SUMMARY

Issue:

1. Should the City Council accept the Police Chief's responses to the Grand Jury?

Recommendation:

Staff recommends that the City Council:

1. Approve the Police Chief's responses to the Grand Jury.

Alternatives:

1. Reject the recommended responses.
2. Direct staff to address issues or questions in accordance with Council direction, for reconsideration at a date to be determined.

BACKGROUND:

The San Diego County Grand Jury recently released two reports, which contained recommendations pertaining to the City of La Mesa. The first report dealt with Senior Volunteer Programs and the second concerned Juvenile Diversion Programs.

Report to the Mayor and Members of the City Council
Subject: Responses to Grand Jury Reports 2003/4-04 and 2003/4-05
Page 2

State law requires a government entity to respond to such recommendations within 90 days. The attached letter to the Presiding Judge of the Superior Court from Chief Resch lists the findings and recommendations of the Grand Jury and the City's response. The following is a summary of those reports.

"The 2003-2004 San Diego County Grand Jury conducted an investigation to determine the worth of the Senior Volunteer programs by evaluating the costs of the programs and estimating the value returned to the community by the services provided."

"The Grand Jury limited its investigation to three jurisdictions:

- The Sheriff's Department, covering the largest area of the County of San Diego, which includes all of the cities in the county contracting with the Sheriff.
- The San Diego Police Department, the largest municipal police force.
- The La Mesa Police Department, which is representative of the volunteer program in the smaller cities."

"The 2003-2004 San Diego County Grand Jury conducted an investigation to determine if the Juvenile Diversion Programs achieved their goals of:

- Helping the young person understand that criminal behavior will not be tolerated.
- Encouraging "At Risk" young people to behave in a socially acceptable manner.
- Helping parents learn more effective ways to cope with difficult situations involving their children.
- Assist victims of criminal acts of delinquency to see that something is being done to prevent further damage by the perpetrator.
- Prevent youth from testing system with further criminal behavior."


Report to the Mayor and Members of the City Council
Subject: Responses to Grand Jury Reports 2003/4-04 and 2003/4-05
Page 3

"The San Diego County Grand Jury contacted city and county police agencies, which provided the Grand Jury with information from their respective jurisdiction concerning their diversion programs."


The Police Department recommends the City Council approve the response to the Grand Jury.

Staff Reference: Lieutenant Allen White

Reviewed by:


Sandra Kerl, City Manager

Respectfully submitted,


Cliff Resch, Police Chief

Attachments:

1. Grand Jury Report entitled "Juvenile Diversion."
2. Grand Jury Report entitled "Senior Volunteer Patrols."
3. City of La Mesa's Responses to San Diego County Grand Jury Reports 2003/4-04 and 2003/4-05.

CITY OF LA MESA

Office of the City Clerk

8130 Allison Avenue, La Mesa, CA 91941

FAX COVER SHEET

TO: William L. Westlake
Foreman
Grand Jury

FAX #: (619) 515-8696

FROM: Mary Kennedy, CMC
City Clerk

PHONE #: (619) 667-1120

FAX #: (619) 667-1131

DATE: November 30, 2004

NUMBER OF PAGES FOLLOWING THIS SHEET: 8

REMARKS:

TRANSMISSION VERIFICATION REPORT

TIME : 11/30/2004 15:04

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

11/30 15:03
6497
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OK
STANDARD
ECM

Report Title: Juvenile Diversion

Due Date: 08/20/04

Report #: 04-05

Responding Agency:

San Diego County Sheriff

La Mesa Police Department

San Diego Police Department

Carlsbad PD

Chula Vista PD

Coronado PD

El Cajon PD

Escondido PD

National City PD

Oceanside PD

San Diego City Schools PD

San Diego County Probation Dept



THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE
OUR REF. NO.

4005

June 7, 2004

RECEIVED
JUN 14 2004
SAN DIEGO
COUNTY GRAND JURY

Grand Jury
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101

Dear Ladies & Gentlemen of the San Diego County Grand Jury:

On May 5, 2004, The San Diego County Grand Jury concluded its investigation of Juvenile Diversion programs in the county and reported their findings. I have reviewed the contents of your Report 2003/4-05, Juvenile Diversion. I am in full agreement with the findings and recommendations it contained.

I am pleased to provide you with the Department's specific responses to your findings and recommendations, as required by the California Penal Code.

RECOMMENDATION 04-05-01: WHERE NECESSARY, A FOUR-MONTH OR LONGER JUVENILE DIVERSION PROGRAM SHOULD BE MADE AVAILABLE.

RESPONSE: The San Diego Police Department concurs with the Grand Jury's findings and supports Recommendation 04-05-1. The San Diego Police and City Attorney's Office Teen Court and Restorative Justice Mediation Program (RJMP) currently utilize this approach to diversion. Although the San Diego Police Department had limited referral participation, we will further train and encourage our personnel to utilize the program when appropriate in order to increase referrals of juvenile offenders arrested by San Diego Police Officers.

RECOMMENDATION 04-05-2: USE OF THE CROP PROGRAM SHOULD BE ENCOURAGED WHERE APPROPRIATE.

RESPONSE: The San Diego Police Department concurs with the Grand Jury's findings and supports Recommendation 04-05-2. This recommendation requires further analysis to determine availability of program and criteria for participation in the program of



Office of the Chief of Police

1401 Broadway • San Diego, CA 92101-5729

Tel (619) 531-2000

Page 2
Grand Jury, County of San Diego
June 7, 2004


youths identified by our Juvenile Service Team Members. Cost of the program was not available at this time. It is estimated that this evaluation should be completed within 30 days.

RECOMMENDATION 04-05-03: AGENCIES/JURISDICTIONS, NOT CURRENTLY USING THE PROGRAM, SHOULD INVESTIGATE PARTICIPATION IN THE SHERIFFS THREE-DAY CHALLENGE CAMP.

RESPONSE: The San Diego Police Department concurs with the Grand Jury's findings and supports Recommendation 04-05-3. This recommendation requires further analysis to determine the logistic, staffing, availability of the camp and fiscal impact to the department. It is estimated that this evaluation should be completed within 30 days.

Should you have any questions or comments regarding this response, please do not hesitate to contact my office.

Sincerely,


William Lansdowne
Chief of Police

RECEIVED

AUG 17 2004

SAN DIEGO
COUNTY GRAND JURY

RECEIVED
AUG 13 2004



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 10, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to four reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled:

- Should HOT Teams Be Expanded and For Whom?
[REDACTED]
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child is Incarcerated, Now What?

The attached material was approved by the Board of Supervisors on August 10, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

7

DATE: August 10, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of these reports.

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in four of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. These responses address the following reports:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

ATTACHMENTS DISTRIBUTED TO EACH BOARD
MEMBER, CAO, COUNTY COUNSEL AND ON FILE
IN THE OFFICE OF THE CLERK OF THE BOARD)

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

AGENDA ITEM INFORMATION SHEET

COUNTY OF SAN DIEGO
DEPARTMENT OF ADMINISTRATION

CONCURRENCE(S)

2004 AUG -2 PM 12:41

COUNTY COUNSEL REVIEW

☒ Yes

Written Disclosure per County Charter

☐ Yes

Section 1000.1 Required

[Signature]
CLERK OF THE BOARD
[X] No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

[X] N/A

CHIEF FINANCIAL OFFICER

☐ Yes

[X] N/A

Requires Four Votes

☐ Yes

[X] No

GROUP/AGENCY INFORMATION

TECHNOLOGY DIRECTOR

☐ Yes

[X] N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

[X] N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

[X] N/A

Other Concurrence(s): Health and Human Services Agency
Public Safety Group *[Signature]*

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

Name

619-531-6271

Phone

Phone

619-557-027

Fax

Fax

A-6

Mail Station

Mail Station

Janice.Graham@sdcounty.ca.gov

E-mail

E-mail

AUTHORIZED REPRESENTATIVE

Janice Graham

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

ATTACHMENT A: RESPONSE TO 2003-2004 GRAND JURY REPORT

"SHOULD HOT TEAMS BE EXPANDED AND FOR WHOM?"

FINDINGS:

1. With all these services being offered by various agencies, it is easy to understand that accessing these or even knowing of their availability would be difficult for anyone. This must certainly be true for the chronically homeless. These people are often isolated from the community's mainstream. According to the September 2002 Fact Sheet #3 by the National Coalition for Homeless, over 20-25% of the homeless suffer from severe mental illness.

Agree.

2. The chronically homeless population consumes a disproportionate amount of law enforcement and emergency medical treatment resources. This may be due to the reason for their homelessness not being adequately addressed. Having HOT teams seek out individuals one at a time and addressing their specific needs may lead to better and more appropriate use of limited resources.

Agree.

3. The Homeless Outreach Teams' multi-disciplinary make-up allows for comprehensive field assessments. With two or three disciplines (social services, medical, and safety) addressing an individual's need it is more likely that a break in the cycle of homelessness will occur.

Agree.

4. Because of budgetary constraints, the teams now operate with only two professionals on a team in order to make-up more teams and reach more homeless people. With an increase in staff, they would, once again be able to operate more effectively as they originally did with all three professionals on a team and perhaps expand to serve youth.

Partially disagree. While it is correct that budgetary constraints limit the number of Homeless Outreach Teams, cost effectiveness is the primary factor in determining the number of professional staff in each team. Homeless Outreach Teams are primarily designed to link people to services. Mental health professionals are added to the team as situations warrant.

5. The Homeless Outreach Teams only cover the downtown and beach areas. The juvenile homeless in our county do not routinely stay within these areas. They tend to be more visible at night and are found in Hillcrest and under

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

support of successful strategies that address homeless issues. The Agency continues its commitment to Homeless Outreach Teams with the allocation of personnel for Fiscal Year 04-05.

04-07-2: Develop a strategic plan to expand the Homeless Outreach Teams so that these teams can extend their coverage to include homeless juveniles.

This recommendation will not be implemented. The Health and Human Services Agency is committed to ongoing collaboration with public and private agencies to improve the provision of effective and efficient services provided to homeless populations including juveniles. Current budget constraints prevent expansion of the Homeless Outreach Team program at this time.

04-07-3: Investigate public and private sector funding support to increase the number of shelter beds in San Diego County and designate more shelter beds specifically to the Homeless Outreach Teams for the chronically homeless clients they are serving.

This recommendation will not be implemented because the role of the County's Health and Human Services Agency is to provide basic health and social services. Although the County is not responsible for homeless housing, the County would be supportive of other agencies' efforts to provide housing for homeless clients. The County's Health and Human Services Agency will continue to focus on the provision of supportive services to this population as funding permits.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

**ATTACHMENT C: RESPONSE TO 2003-2004 GRAND JURY REPORT
“COST EFFECTIVE FORENSIC SERVICES IN SAN DIEGO COUNTY”**

**SECTION - CONSOLIDATION OF TOXICOLOGY TESTING AS A COST SAVINGS
MEASURE**

FINDINGS:

1. The Grand Jury believes the Office of the Medical Examiner may be the facility to consider as the provider of toxicology testing for other county agencies. However, the existing Office of the Medical Examiner is not large enough nor is it equipped to handle such an increase in workload. A substantial financial investment would be required to establish this facility as a countywide provider of toxicology services.

Agree

2. It seems logical that county agencies requiring toxicology testing should collectively explore the feasibility of providing this service within the County.

Agree

3. Such a collaborative effort and earnest exploration of an in-county toxicology service provider may lead to a more cost-effective use of county resources and better serve the community.

Agree

4. If a county toxicology department is not developed in the near future, a more immediate approach to multiple contracts for the same service is needed. A rational solution might be to form a single group with representatives from all agencies and negotiate one master contract. This could potentially save time and money in negotiations and unit pricing.

Agree

5. Crime laboratories constantly work with investigative and court imposed deadlines. Receiving evidentiary results in a timely manner is crucial to rapid crime solving.

Agree

RECOMMENDATIONS:

04-11-1: Evaluate the feasibility of consolidating the toxicology service requirements of all San Diego County agencies.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

Agree

RECOMMENDATIONS:

04-11-4: Continue the budget appropriations that have enabled the Sheriff to fully fund the operational needs of the Crime Lab so that services can be made available to law enforcement agencies throughout the county without charge.

The recommendation has been implemented. According to the Director of the Sheriff's Crime Laboratory, funding received through the general fund, when combined with federal and state grant funds, meets current operational needs and permits the laboratory to meet accreditation standards. Even so, forensic science is a dynamic field in which there is the potential for new developments and new opportunities to have an impact on the safety of our community. The Board and the Sheriff will continue to monitor the needs of our regional laboratory in order to assure that it remains current on technology and caseloads.

04-11-5: Continue to provide sufficient revenue to the Sheriff so that the Crime Lab can continue to meet their increasing workload of cases while maintaining their national accreditation.

The recommendation requires further analysis. The Board of Supervisors provides funding to the Sheriff's Department that is used at the discretion of the Sheriff to fund operations. While Public Safety continues to be the highest priority of the Board, the Board cannot direct which services the Sheriff chooses to fund and at what level. It is anticipated that the Sheriff will continue to dedicate a sufficient portion of his budget to the Crime Lab in order to meet the increasing workload and maintain their national accreditation.

SECTION – UTILIZATION OF ASSEMBLY BILL 371 (CHAPTER 14, 2004 STATUTES)

10. The Sheriff's Department is taking advantage of this cost savings opportunity (Passage of Assembly Bill 371) by releasing a Request for Proposal so they can negotiate a new contract for the services.

Agree

ATTACHMENT D: -RESPONSE TO 2003-2004 GRAND JURY REPORT

"HELP! MY EMOTIONALLY DISTURBED CHILD IS INCARCERATED, WHAT HAPPENS NOW?"

FINDINGS:

1. The addition of CFMG health services, along with regular meetings has assisted in maintaining a positive impact on physical and mental health services and relationships among custodial and health care staff.

Agree.

2. The accreditation validates the ability of the mental health program at Juvenile Hall to provide services that exceed minimum standards of care.

Agree. CMA has accredited the Juvenile Hall facility as a whole, and accreditation reflects the effective coordination of services among Probation, mental health services and physical health services at the facility.

3. The Grand Jury has found conflicts between MOU statements and actual practice. In addition, procedures for financial accountability are not stated in the MOU.

Disagree. There is no conflict between MOU statements and practice. As stated in the MOU, the MOU is not intended to cover financial agreements; finance is clearly outlined in a separate financial document.

4. It is not clear how frequently existing cases of dual diagnosis are identified by the paraprofessional screening process.

Disagree. It is unknown what data supports the figure of 80% dually diagnosed population. Data provided by the Child and Adolescent Services Research Center (CASRC), a local research and evaluation unit affiliated with Children's Hospital indicates that the maximum number of dually diagnosed youth would be approximately 52%.

The screening process does not identify a mental health diagnosis. Screening identifies populations at risk who may then be referred for mental health services, including diagnosis and treatment.

5. It is generally not possible for Juvenile Hall staff to have knowledge of mental health treatment prior to booking.

Agree. Juvenile Hall is a temporary detention facility, not a treatment facility. The status of a detainee's prior mental health treatment, unless voluntarily released by the juvenile

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

With participation from their family, youth committed to the Breaking Cycles program for youth offenders undergo an evaluation by Probation and Mental Health staff to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. We concur that it would be advantageous to be able to provide additional after release services, and with adequate funding from the State these services could be enhanced.

It is unclear what County policies "maintain costly bureaucratic structures." A concerted effort has been made throughout the Agency, including mental health, to reduce administrative costs and ensure funding is directed to services. In mental health, an example of this is the recent effort to preserve services by the consolidation of three wraparound/intensive case management programs that include probation wards in the target population. Additionally, as part of the Fiscal Year 04/05 Operational Plan, the Agency is conducting managed competitions for a variety of mental health services to ensure that services are provided in the most efficient and effective manner.

10. Families who have been denied services are highly motivated to provide cost-saving ideas and practical assistance for the capacity of community programs to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. This is an untapped resource.

Disagree in part. We concur that families can provide valuable input on programs. The County is always interested in cost-saving ideas and practical assistance for expanding the capacity of community programs, to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. The County offers many opportunities for parents to offer input for improving services, such as community stakeholder forums, the Children's Dual Diagnosis Subcommittee and customer satisfaction surveys.

11. San Diego County is out of compliance with the state mandated concept of facilitating access to services and involving families as partners. The County is pursuing a policy of limiting broad family partnership in the system reform effort (CSOC). The County is supporting *Family Roundtable* leadership by a service provider, which can easily be construed as a conflict of interest.

Disagree. Children's Mental Health Services is in compliance with State System of Care concepts, and, in fact, has been a leader in advancing family partnership at three important levels: policy, program and practice. Examples include:

- Policy. Children's Mental Health Services Policy and Procedure #06-01-122, *Implementing Family-Youth Partnerships in Roles Other than Direct Service Provider* is strong policy statement on family partnership. This statement was recently lauded as an excellent example for other systems by the Family and Youth Roundtable of San Diego.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- Children's Mental Health System of Care Steering Committee
- Interagency participation in Source Selection Committees, the body that recommends awards to organizations who respond to Request for Proposals.
- System of Care Wraparound Training Academy, a program dedicated to training providers and family members in the wraparound approach.
- Annual San Diego County System of Care Conferences
- Education Advisory Committee, a subcommittee of the Steering Committee that provides community oversight and recommendations regarding mental health services that directly impact students in San Diego County.
- Participation in Co-Occurring Dual Diagnosis Initiative, an initiative designed to enhance the ability of mental health and alcohol and drug providers to serve individuals and their families with both mental health and substance abuse problems.
- Alianza, a community-based collaborative in central San Diego county dedicated to improving cultural competence in services for youth who experience problems with school and/or the law.

RECOMMENDATIONS:

- 04-13-1 Ensure the review of the Memorandum of Understanding between HHSA and Probation February 1, 2003 for revisions and additions that clarify the minimum level of services, funding to be provided, and protocols for fiscal accountability.**

This recommendation will not be implemented. The MOU is a document describing the roles and responsibilities of clinical staff and the level of services for both HHSA and Probation. The MOU is reviewed periodically for those elements. The MOU is not intended to establish funding levels or protocols for fiscal accountability, which are provided for annually in the respective department's Operational Plan (budget).

- 04-13-2 Mandate revision of the protocol for Juvenile Hall intake to include a licensed clinician in order to identify the need for a mental health assessment and to perform that assessment at the time of booking.**

This recommendation will not be implemented. There will be some 9,000 intakes performed annually at Juvenile Hall (East Mesa and Kearny Mesa facilities). Under the current intake protocol, there are multiple opportunities to screen for the need for a mental health assessment: intake screening, at the physical health screening and through observation of behavior on the wards.

- 04-13-3 Ensure that at least one licensed mental health clinician participates in the intake interview in the special purpose Kearny Mesa Juvenile Detention Facility.**

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

the Children's System of Care with particular attention to ensuring that families and youth receive information, assistance and support from other families and youth so they are not alone as they desperately search for solutions and help.

The recommendation will not be implemented. As mentioned previously, the broad mental health system of care reform that began in 1997 made family partnership the cornerstone of the current system.

Children's System of Care conferences held in 2002 and 2003 promoted themes that emphasized supporting families and youth, and generated recommendations from more than 200 public and private sector stakeholders. These recommendations were approved by the County's System of Care Steering Committee and subsequently implemented by Steering Committee work groups.

The resulting policies developed by Children's Mental Health Services to advance family-youth partnerships have become models for other counties and states. These policies have helped family members and youth assume roles as helpers for troubled youth and families. In addition, these policies guide their role in helping Children's Mental Health Services develop guidelines and programs that improve the system of care.

Aside from the numerous examples of family/youth participation in various policy and program development committees (some outlined under Finding 13 above), the partnership is also exemplified in the advisory role that the Family Roundtable of San Diego provides to the Children's Mental Health Director.

POLICE DEPARTMENT



City of Coronado, California

ROBERT HUTTON, CHIEF OF POLICE

"Commitment to Community Through Professionalism, Integrity, Respect and Teamwork"

July 8, 2004

RECEIVED

JUL 09 2004

SAN DIEGO
COUNTY GRAND JURY

Honorable John Einhorn, Presiding Judge
330 W. Broadway
Suite 477
San Diego, CA 92101-3830

Honorable Judge Einhorn,

Having reviewed the Grand Jury report (2003/04-05) entitled "Juvenile Diversion" released publicly on May 18, 2004, the Coronado Police Department concurs with the facts and findings therein and recommendations 04-05-1, 04-05-2 and 04-05-3. The Department currently utilizes the programs contained recommendation 04-05-1 and 04-05-2. We will proceed with investigating the use of the Sheriff's three day Challenge Camp as noted in recommendation 04-05-3 and implement any changes consistent with the recommendations.

While not specifically identified in the report, the City of Coronado provides substantial funding to provide a local juvenile diversion program similar to what is described in the report under Discussion. The Coronado Police Department works closely with the local diversion program. The Department's Youth and Parent Services Officer functions as a JDS and also serves on the JDP. The Department also works closely with the Coronado Unified School District and campus principals to address truancy problems and perform truancy sweeps as described in the report.

In addition, the City of Coronado provides substantial funding to a local drug use prevention and intervention program. The S.A.F.E. (Substance Abuse Free Environment) program participates in the JDP and provides direct and indirect counseling services to local youth and parents who are in need of drug related treatment programs. S.A.F.E. also sponsors drug education programs that help youth achieve a drug free lifestyle.

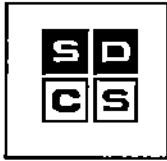
This response is provided in accordance with the requirements of Penal Code 933 (c).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Hutton', with a long horizontal stroke extending to the right.

Robert S. Hutton
Chief of Police

cc: City Manager
Bill Canet, YPSO
Barbara Hill, Diversion Services
Cecily Kelly, S.A.F.E.



SAN DIEGO CITY SCHOOLS

EUGENE BRUCKER
EDUCATION CENTER

• 4100 Normal St., San Diego, CA 92103-2682 •
(619) 725-7000 Fax (619) 295-5074



POLICE SERVICES DEPARTMENT

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JUL 7 2004

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JUL 09 2004

SAN DIEGO
COUNTY GRAND JURY

July 1, 2004

Honorable John Einhorn
Presiding Judge of the Superior Court
State of California
220 West Broadway
San Diego, CA 92101

Dear Judge Einhorn:

SUBJECT: Grand Jury Report: "Juvenile Diversion"

Pursuant to the above mentioned report dated, May 18, 2004, enclosed is the San Diego City Schools Police Department's formal required response to the findings and recommendations.

If additional information is needed, please contact me and I will see that it is provided as quickly as possible.

Sincerely,

Don Braun, Chief
San Diego City Schools Police Department

Attachments

**SAN DIEGO CITY SCHOOLS POLICE DEPARTMENT
RESPONSE TO GRAND JURY REPORT**

JUVENILE DIVERSION

Dated May 5, 2004

Pursuant to Penal Code Section 933.05, the San Diego City Schools Police Department provides the following responses to the above-entitled Grand Jury Report.

FINDINGS:

- 1. Where necessary, a four-month or longer Juvenile Diversion program should be made available.**

The respondent agrees with this finding. Police officers, especially school police officers, work primarily with school-aged juveniles. They have the willingness and the desire to mentor their students. Whenever a student commits a violation of law on campus, the school police officer investigates and determines the appropriate consequence. It could range from picking up trash, writing an essay, referring a student to a community agency, or ultimately referring the student to the Probation Department for further disposition. The school police officer sees the students at school on a daily basis. This is the best opportunity for the officer to counsel the student and carry the in-house diversion program to a four month period or longer depending on the student and the issues involved. The recommendation has been implemented.

- 2. Use of the CROP program should be encouraged where appropriate.**

The respondent partially agrees with this finding. We believe once a juvenile is placed in the juvenile justice system, the chances of them committing another offense to be returned to the system is greater than those that were successful in a diversion program. We have seen CROP presented both in a school environment and in a juvenile hall environment. We believe CROP should not be presented to those juveniles outside the juvenile justice system. The recommendation will not be implemented because it is not warranted. The respondent is already using other successful programs.

- 3. Agencies/Jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day Challenge Camp.**

The respondent partially agrees with this finding. There are many fitting programs and resources in the community available to agencies. The resource

certainly should fit the event involving the juvenile. The respondent also believes in programs available to the youth in our communities that are not mandated by parents, police officials or the juvenile court system. One such program is the "Devil Pup Program". This program is privately funded by volunteer contributors and corporations interested in the good citizenship of our youth before they become involved in the juvenile justice system. This program involves no cost to families. The candidates welcomed are boys and girls ranging in age from fourteen to seventeen. The program consists of ten days at Camp Pendelton under the direction of the United States Marine Corps. The program is geared toward teaching our youth good decision making, good citizenship, respect and leadership. This program has been in existence since 1954 and thousands of California's youths have completed the strenuous and self motivated program. San Diego City Schools Police Officers have volunteered their time to administrate and recruit candidates for this program. The recommendation will not be implemented because it is not warranted. The respondent is already using other successful programs.



SAN DIEGO CITY SCHOOLS

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(619) 725-7000 Fax (619) 295-5074



POLICE SERVICES DEPARTMENT

July 1, 2004

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JUL 07 2004

**SAN DIEGO
COUNTY GRAND JURY**

Honorable John Einhorn
Presiding Judge of the Superior Court
State of California
220 West Broadway
San Diego, CA 92101

Dear Judge Einhorn:

SUBJECT: Grand Jury Report: "Juvenile Diversion"

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If additional information is needed, please contact me and I will see that it is provided as quickly as possible.

Sincerely,

Don Braun, Chief
San Diego City Schools Police Department

Attachments

**SAN DIEGO CITY SCHOOLS POLICE DEPARTMENT
RESPONSE TO GRAND JURY REPORT**

JUVENILE DIVERSION

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~~WNC 1-7-2004~~
SAN DIEGO
COUNTY GRAND JURY
Duane D. White
Chief of Police
700 West Grand Avenue, Escondido, CA 92025
Phone: 760-839-4721 Fax: 760-839-4919
dwhite@ci.escondido.ca.us

August 11, 2004

Honorable Judge John Einhorn
San Diego County Grand Jury
Presiding Department
220 W. Broadway
San Diego, CA 92101

RECEIVED
AUG 13 2004

RE: Grand Jury Reported Entitled: "Juvenile Diversion"

Honorable Judge Einhorn:

This letter is in response to California Penal Code 933(C) to fulfill the requirement to comment on the recommendations of the San Diego County Grand Jury on the following specific issues:

- 1) 04-05-1 Where necessary, a four-month or longer juvenile diversion program should be made available.
- 2) 04-05-2 Use of the Convicts Reaching Out to People (CROP) Program should be encouraged where appropriate.
- 3) 04-05-3 Agencies/jurisdictions, not currently using the program, should investigate participation in the Sheriff's three-day Challenge Camp.

Response to Recommendations

04-05-1

The San Diego County Grand Jury recommends that, where necessary, a four-month or longer Juvenile Diversion Program should be made available (recommendation number 04-05-1).

The Escondido Police staff fully agrees with the recommended time duration when needed to assist participants to reach a successful conclusion.

As previously outlined in the San Diego County Juvenile Diversion Protocol, the Escondido Police program averages a three-month timeframe for each diversion case. It has, however, been common practice to extend the period of a diversion contract so that the participating youth can successfully complete their assignments.

Four months can be a much more practical timeframe to meet the needs of certain participants. The ability to increase contract duration facilitates individual needs. The four-month period provides additional time necessary for certain participants to improve school academic

performance, be more successful in drug rehabilitation, and it allows participants to complete assigned classes and projects.

The Escondido Police Department's Juvenile Diversion Program will use the recommended timeframe of four months or longer for those participants who need the time to be successful. This agency is mindful that the court requires case submission within a six-month period from the time a minor is arrested. Within the time constraints, a contract is tailored to the extent possible to meet time availability and the ability for staff and participants to perform the required tasks. The six-month time constraint is important should participant(s) fail to fulfill all contract requirements as the minor will be referred to the Juvenile Court or the Probation Department for case disposition. Consequently, the offense becomes part of the juvenile's criminal record.

04-05-2

The San Diego County Grand Jury recommends use of the CROP Program should be encouraged where appropriate.

The Escondido Police staff generally agrees with the recommendation to use the CROP Program, wherein participating minors spend lecture time with inmates at Donovan Prison.

A key element to the Grand Jury's recommendation is the condition that CROP "should be encouraged where appropriate."

Our agency's experience with CROP has shown that some youth may benefit from the stark, unvarnished dose of prison and prisoner realities while some youth gravitate toward the sensational with lurid fascination. The program schedule in most cases takes a juvenile out of school for an entire day and parents are frequently resistant to having their child visiting a men's correctional facility. Some inmates resort to extensive profanity when meeting with the juveniles and there have been occasions of inappropriate verbal and non-verbal messaging from male inmates to female participants.

The Escondido staff does not actively assign participants to the CROP Program and is cautiously guarded that if this phase is utilized, the meeting between prisoners and youth be well-planned, organized, under well-supervised conditions, and participants are pre-screened and evaluated for this interaction with parental approval.

04-05-3

The San Diego County Grand Jury recommended agencies/jurisdictions not currently using the program should investigate participating in the Sheriff's three-day Challenge Camp.

Escondido Police staff agrees with this recommendation. The Escondido Police Department has used the Challenge Camps in the past. Our access to this service was limited to scheduling available openings when the parent agency (Sheriff's Office) could make space available for

Honorable Judge John Einhorn
August 11, 2004
Page 3

Escondido participants. Unfortunately, the Sheriff's Challenge Camp for youth has not been held for approximately the last 18 months due to site facility and equipment problems.

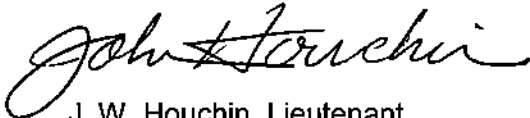
The City of Escondido does not have a facility suitable to meet the needs and requirements to conduct a Challenge Camp Program. Escondido Police staff will consider utilization of this program in the future if facility, equipment, and trained staff become available for scheduling.

The staff at the Escondido Police Department appreciates the work of the San Diego County Grand Jury in bringing these matters to our attention.

If we can be of further assistance on this or any matter, please do not hesitate to call.

Sincerely,

DUANE D. WHITE
CHIEF OF POLICE

A handwritten signature in cursive script, appearing to read "John Houchin".

J. W. Houchin, Lieutenant
Standards and Ethics Unit

JWH:eb

OCEANSIDE POLICE DEPARTMENT

MICHAEL POEHLMAN
CHIEF OF POLICE

Thomas E. McCarthy, Foreman
Grand Jury, County of San Diego
330 West Broadway, Suite 477
San Diego, Ca. 92101-3830

RECEIVED

JUN 14 2004
SAN DIEGO
COUNTY GRAND JURY

June 9, 2004

CORE VALUES

Trust
Personal Responsibility
Quality Service
Partnership
Community Safety
Diversity

Dear Foreman McCarthy:

I am writing in response to the Grand Jury report entitled: "Juvenile Diversion", dated May 5, 2004. The following recommendations were made in the report for the Oceanside Police Department:

04-05-1 "Where necessary, a four month or longer Juvenile Diversion program should be made available."

04-05-2 "Use of the CROP program should be encouraged where appropriate."

04-04-3 "Agencies /jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day challenge Camp."

Reference 04-05-1, Oceanside P.D. has had a Juvenile Diversion program in place for past 12 years. The program is operated in conjunction with North County Lifeline, Juvenile Probation (CROP Officer) volunteer community members, and school representatives. We have had many successes with this program and plan to continue it in its present form.

Reference 04-05-2, we have had a CROP officer assigned to the department for the past three years. The officer is housed in our detective division and works daily with patrol, detectives and school team officers. Our CROP officer also sits on the diversion panel and takes an active role in the program. This relationship has been extremely productive and successful.

Reference 04-05-3, we will explore the possibility of participating in the Sheriff's Department three day Challenge Camp.

Foreman McCarthy, I would like to thank you and your fellow jury members for your efforts in the area of Juvenile Diversion. Please let me know if the Oceanside Police Department can be of further service.

Cordially,



Michael S. Poehlman,
Chief of Police



City of Carlsbad

Office of the Chief of Police

December 3, 2004

RECEIVED

JAN 3 2005

**SAN DIEGO
COUNTY GRAND JURY**

William L. Westlake, Foreman
San Diego County Grand Jury
Hall of Justice
330 West Broadway, Suite 477
San Diego, Ca 92101-3830

Re: 2003/2004 Grand Jury Report Entitled "Juvenile Diversion"

Dear Mr. Westlake:

The Carlsbad Police Department has received a copy of the above report issued by the Grand Jury. Please accept the following as our response to your findings and recommendations.

The Grand Jury found that for San Diego County, after six months, 94% of juveniles remained free of law enforcement contact and that after one year 81% to 82% remained free of contact. The national re-arrest average was approximately 59%. We found that in the City of Carlsbad, our Juvenile Diversion Program mirrored the Grand Jury's results of 94% of youth who remain free of law enforcement contact after six months. For our statistics, law enforcement contact includes arrests and citations, including municipal code violations such as skateboarding and curfew. Further, after one year, 89% of the juveniles who successfully completed the Carlsbad Diversion Program were not re-arrested. After two years, the statistics indicate 83% remained free of arrest.

The Carlsbad Police Department Juvenile Diversion Program is constantly re-evaluating its program as new ideas become available. We solicit feedback via surveys from each participating family; we interact with school resource personnel and community members who come into contact with our youth; we look at diversion programs from other agencies; and we host the North County Interagency group every quarter to foster interaction and discussion about juvenile issues. At the Carlsbad Police Department, we strive to keep our diversion program current. Our community-based resources are constant indicators of how appropriate and successful (or not) our program is.

The Grand Jury basically made three recommendations in their report. The first recommendation was that participants should be held to at least a four-months or longer diversion program. At Carlsbad Police Department, the coordinator and the Juvenile Justice panel assign a minimum of a three-month program to all participants. The length of the program is extended beyond the 3-month contract period when warranted. This is determined by the coordinator, and is based on individual evaluations and weekly contact with each participant.



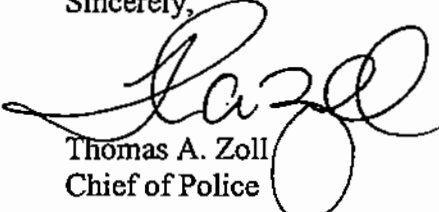
The second recommendation was that the CROP (Convicts Reaching out to People) Program should be encouraged where appropriate. We use the CROP program with approximately 85% of our participants. It is especially appropriate for substance abusers, shoplifters and youth with antisocial behaviors. It has been a very effective deterrent, and is also an educational experience for the parents who often need additional guidance.

The third recommendation was that agencies not currently using the Sheriff's three day Challenge Camp should investigate participating in it. We have contacted the Sheriff's Office and the Sheriff's Challenge Camp is not available to Carlsbad Police Department. According to Sheriff's Department personnel, the camp has not been available to outside agencies for approximately two years. While this particular program is not available to Carlsbad Police, there are other programs we offer to our youth and families. The following programs are offered, based upon individual needs and circumstances:

- 1) The mentoring program at the Boys & Girls Club
- 2) The GUIDE program in the Carlsbad schools
- 3) The Parent Project for parents of at-risk youth
- 4) The Environmental Trust program for teamwork and skill building

Based on the statistics and the feedback we have received, Carlsbad Police Department believes our diversion program is successful and current. We are open to suggestions and welcome the input from the San Diego Grand Jury as it confirms that we are providing a quality service to our community.

Sincerely,



Thomas A. Zoll
Chief of Police



City of La Mesa

POLICE DEPARTMENT

RECEIVED

DEC 20 2004

December 15, 2004

John S. Einhorn, Presiding Judge
San Diego Superior Court
220 W. Broadway
San Diego, CA 92101

The Honorable John S. Einhorn, Presiding Judge:

This letter is in response to the Grand Jury Report entitled: "Juvenile Diversion." The following is the City of La Mesa and the La Mesa Police Department's response to Grand Jury recommendations 04-05-1, 04-05-2 and 04-05-3.

Grand Jury recommendation 04-05-1: Where necessary, a four-month or longer Juvenile Diversion program should be made available.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Grand Jury recommendation 04-05-2: Use of the CROP program should be encouraged where appropriate.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(1),

- The recommendation has been implemented.

Working in Partnership with Our Community



Grand Jury recommendation 04-05-3: Agencies / jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day Challenge Camp.

In accordance with California Penal Code section 933.05(a)(1),

- The City of La Mesa and the La Mesa Police Department agree with this finding.

In accordance with California Penal Code section 933.05(b)(4),

- The recommendation will not be implemented because it is not warranted or is not reasonable.

The La Mesa Police Department's Juvenile Diversion Program was established in 1991 and is currently five months in length. The Program incorporates a juvenile Law Class that is mandatory for the juvenile offender and their parents. The juvenile offender must write a 600-word essay and perform an average of 30 hours of community service. Depending on the violation by the juvenile offender additional requirements may be placed on the contract. Currently the recidivism rate for juvenile offenders being re-arrested is 2% for offenders who have participated in the La Mesa Police Department's Juvenile Diversion Program.

The La Mesa Police Department has used the CROP Program in the past and continues to use it when the situation warrants that type of program.

The La Mesa Police Department contacted the San Diego County Sheriff's Department, who is responsible for the three day Challenge Camp. Based on information obtained from Sheriff's Department, the Challenge Camp program has been eliminated due to budget cuts.

Sincerely,



Cliff Resch
Chief of Police

CR:adw



POLICE DEPARTMENT

RECEIVED

JAN 3 2005

**SAN DIEGO
COUNTY GRAND JURY**

December 21, 2004

Mr. William L. Westlake, Foreman
GRAND JURY
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

RE: 2003/04 Grand Jury Report entitled "Juvenile Diversion"

Dear Mr. Westlake:

I apologize for the oversight in not responding back to the original request. Corrective actions have been implemented to make sure the oversight does not occur again.

As requested, we have looked at the suggestions made by the Grand Jury to strengthen our Juvenile Diversion program. These are all good recommendations that warrant further analysis and possible implementation. This agency is committed to Juvenile Diversion. South Bay Community Services staff is assigned to our police department and work with youth and families in our community to prevent the youth from continuing into a more serious criminal deviant behavior pattern. The following is my response to the Grand Jury's recommendations.

04-05-1 – We currently have a 3-month counseling format set up for the first time offender and have a success rate of 91% non-repeat offenders. The national average in this type of program is approximately 53%. We will implement a 4-month program as recommended by the Grand Jury to see if our percentage increases our success rate.

04-05-2 - Use of the CROP program should be encouraged where appropriate. We are currently looking into this program to see if we should apply it in certain cases.

04-05-3 - In researching the Sheriff's three day Challenge Camp for teens they reported that they are not conducting the camp at this time because of budgetary constraints. When it resumes, we will visit, analyze, and possibly participate.

Sincerely,

Richard P. Emerson
Chief of Police

RE:yg



San Diego County Sheriff's Department

Post Office Box 429000 • San Diego, California 92142-9000



William B. Kolender, Sheriff

RECEIVED

Barry R. Zuniga, Undersheriff

June 24, 2004

JUL 08 2004
SAN DIEGO
COUNTY GRAND JURY

RECEIVED
JUN 29 2004

The Honorable John S. Einhorn, Presiding Judge
San Diego Superior Court
PO Box 122724
San Diego, CA 92112

Dear Judge Einhorn:

Response To The Grand Jury Report "Juvenile Diversion" - In Accordance With §933(c) PC.

I have received the Grand Jury's report dated May 18, 2004, regarding juvenile diversion programs throughout San Diego County. I appreciate the opportunity to respond to the Recommendations.

04-05-1 *Where necessary, a four-month or longer Juvenile Diversion program should be made available.*

The San Diego Sheriff's Department does currently conduct Juvenile Diversions at each of its law enforcement jurisdictions. These diversions vary in length depending on the individual needs of the situation and juvenile's circumstances. In many cases the programs run longer than four months.

04-05-2 *Use of the CROP program should be encouraged where appropriate.*

The Sheriff's Department has been working with the Probation Department to support the CROP program for approximately the past five years. We continue in this support as our budget allows.

04-05-3 *Agencies/Jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day Challenge Camp.*

We encourage other agencies to contact our Juvenile Diversion Unit, Sergeant Pete Astuto, at (858) 974-2413, to assist them in investigating the benefits and feasibility of participating in the Challenge Camps.

If you require any further assistance, please contact Sgt. Pete Astuto of the Sheriff's Juvenile Diversion/Investigations Unit.

Sincerely,


William B. Kolender, Sheriff

WBK/mmm

cc: Board of Supervisors

"Keeping the Peace Since 1850"



**City of National City
Police Department**

**1200 National City Blvd., National City, CA 91950
Phone: (619) 336-4400**

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DEC - 6 2004

SAN DIEGO
COUNTY GRAND JURY

November 24, 2004

Presiding Judge of the Superior Court
P.O. Box 122724
San Diego, CA 92112-2724

Re: 2003/2004 Grand Jury Report on Juvenile Diversion

To Whom It May Concern:

I have reviewed the 2003/2004 report prepared by the San Diego County Grand Jury. In regards to the recommendations made by the Grand Jury of the National City Police Department's Juvenile Diversion Program, I concur with the overall findings. The Grand Jury recommended we add the following to enhance our current program:

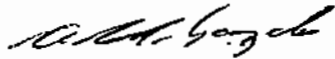
1. Implement a four-month or longer Juvenile Diversion program.
2. Use the CROP program where appropriate.
3. Participation in the Sheriff's 3 Day Challenge Camp.

Currently, the National City Police Department has a working agreement with South Bay Community Services (SBCS) for the provision of counselors and services of the Juvenile Diversion Program. As with most agencies, our program was drastically impacted with the recent budget cuts and our number of diversion counselors was reduced from two fulltime case workers to one part-time. The part-time counselor is shared by the National City Police Department and the Chula Vista Police Department.

As for Recommendation (1), a four-month or longer Juvenile Diversion program has not yet been implemented. It is our intention during this upcoming fiscal year (04/05) to address the issue of additional personnel in collaboration with South Bay Community Services and the City of National City; only with the addition of case workers will we be able to manage a four-month or longer diversion program.

As for Recommendations (2) and (3), our current case worker will incorporate and make available when appropriate, the Convicts Reaching Out to People (CROP) program at the Richard J. Donovan State Correctional Facility. We will also make available when appropriate, the San Diego Sheriff's Department Challenge Camp to our youth. Our staff will make contact with the coordinators of each of the above mention programs for direction and space availability. Recommendations (2) and (3) will become part of our Diversion Program starting January 2005.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adolfo Gonzales".

Adolfo Gonzales, Ed. D.
Chief of Police



Report: PA/PG 9
Responses due date: August 17, 2004
Responding Agency(ies):

County of San Diego's Board of Supervisors



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG CON
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

22

DATE: July 13, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), your Board approved responses to two of these reports (Conditions & Management of Detention Facilities in San Diego County and Is There a Need For a Regional Fire Authority & Rescue Helicopter in San Diego County?).

This is a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in three of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. The attachments to this letter address the following reports:

- Mental Health Services in the County Jails and Impact of the Connections Program
- ~~Public Administrator~~/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury has released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5), your Board approved responses to two of these reports. Three additional report responses are included in this request. Proposed responses for the remaining five reports will be before the Board on August 10, 2004.

The Grand Jury report responses attached to this Board Letter include:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

This is a request for your Board to approve the attached Finding and Recommendation responses to these three reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes

☐ Yes

☐ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☒ N/A

☐ Yes

☒ No

GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

CHIEF TECHNOLOGY OFFICER

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Community Services Group
Health and Human Services Agency
Public Safety Group

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

(619) 531-6271

Phone

(619) 595-4060

Fax

A-6

Mail Station

Janice.graham@sdcounty.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

81-01-17

OFFICE OF THE COUNTY CLERK

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

Board Policy A-43, Response to Grand Jury Interim Reports

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

ATTACHMENT A

COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT: “MENTAL HEALTH SERVICES IN THE COUNTY JAILS AND IMPACT OF THE CONNECTIONS PROGRAM”

Issued April 27, 2004

TREATMENT PROGRAM

Finding 1: The coordinated treatment effort enhances the ability of staff to coordinate clinical and supervisory functions that results in consistent behavior management practices that support patient safety and well-being.

County Response: Agree

Finding 2: Although psychiatric treatment together with drug and alcohol counseling provide some help, these patients have complex problems that require treatment by clinicians who have special knowledge about dual diagnosis management.

County Response: Agree

Finding 3: Treatment program enhancement opportunities are limited.

County Response: Agree

Finding 4: Some patients are able to earn GED credits toward a high school equivalency certificate. Through other classes, some patients are able to address issues involving substance abuse and domestic violence.

County Response: Agree

Finding 5: Vulnerable populations have the need for assistance in securing continuing mental health services upon release. They need case management support and close collaboration with health and human services organizations in order to facilitate patient access to ongoing treatment.

County Response: Agree

Recommendation 04-03-1: Build case management services into contracts with all community-based organizations that serve released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. The County's Mental Health Services program provides mental health case management services in accordance with State law, and to the extent that resources are available. Currently, there are case management programs that serve this and other target

populations, including Telecare, REACH, and the County's case management program. It should be noted that participation in case management services is voluntary once an offender is released from the criminal justice system.

Recommendation 04-03-2: Ensure that reliable and consistent drug and alcohol counseling services are included in the Sheriff's mental health programs with a focus on specialized dual diagnosis treatment.

County Response: Concur with that part of the response from the Sheriff which states: "This recommendation requires further analysis. The Department recognizes the importance of reliable and consistent drug and alcohol counseling services and the extent of persons with co-occurring disorders in the criminal justice system and the jails. In October 2003, the Department successfully competed for a 3-year U.S. Department of Education grant for life skills education that provides in-custody educational interventions for persons with substance abuse, domestic violence, and parent-child problems.

In addition, many of the persons enrolled in this program have co-occurring disorders. This program is provided with a coalition of community-based organizations through the Inmate Services Division under the direction of the Detentions chief mental health clinician who is also the project director.

Additionally, there are Alcoholics Anonymous and Narcotics Anonymous and Dual Recovery Anonymous groups available throughout the jail system. As a State of California requirement for licensure, the mental health clinicians receive continuing education for such disorders. The in-patient programs at Las Colinas and San Diego Central Jail include such program offerings in the in-patient program.

The Department is mindful of the extent of this population in custody and is investigating the feasibility of additional treatment options and specialty staffing, such as a therapeutic community program. Given the current state of the budget, these opportunities will need to be sought by private or grant funding in the foreseeable future and it is our intention to do so."

It is anticipated that this additional analysis will be completed within six months.

Recommendation 04-03-3: Enhance collaborative efforts with community-based organizations and with the local office of the Social Security Administration to facilitate access to services and benefits for released mentally ill offenders.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff's Department is committed to developing and maintaining effective relationships with all agencies and organizations that can facilitate the successful return of citizens in its custody to the community.

Our Inmate Services Division staff provide pre-release interventions in collaboration with community-based agencies in several jails; however, several of these programs are currently being curtailed or eliminated altogether due to the current budget cuts in the County. The division staff will continue to focus efforts on pre-release planning and referrals and look for opportunities to expand such collaborations.

Staff from the Detentions mental health clinicians group has initiated an aggressive fact-finding and outreach effort to each of the Social Security Offices in San Diego County in order to develop effective transitions and referrals for persons eligible for such benefits. This project began in March of 2004 and will be on-going, with the goal of establishing Memorandums of Agreement with all SSI offices in San Diego County to enhance the development of timely financial supports to qualified persons."

TRAINING

Finding 1: As a result of cross training, there has been improved understanding of mental health issues by correctional staff, as well as more effective communication between correctional and clinical staff.

County Response: Agree

Finding 2: The safety and welfare of patients is enhanced through cross training.

County Response: Agree

Recommendation 04-03-4: Expand cross training to develop greater understanding of special needs of released mentally ill offenders by opening training sessions to probation officers and workers in the public mental health community.

County Response: This recommendation will not be implemented because it is not warranted. The County's Mental Health Services staff currently provides substantial training to law enforcement agencies that interact with released mentally ill offenders, including the San Diego Police Department, the Psychiatric Emergency Response Team (PERT), the State Department of Corrections Parole Office, the Sheriff's Department, and the Probation Department. We will continue to explore opportunities to collaborate with organizations on special training needs as funding allows.

BUDGET

Finding 1: Jail staff is working to overcome the budget cuts to maintain quality mental health services in the jails.

County Response: Agree

Finding 2: Long-term plans are needed for additional funding of mental health services in the jails to maintain the current level of care.

County Response: Agree

Recommendation 04-03-5: Work to enhance community understanding of the benefits of effective mental health services in the county jail system in order to generate public and private support.

County Response: Concur with the response from the Sheriff, which states:
“The recommendation has been implemented. The Department agrees that we share a responsibility to educate the community about the importance of providing effective mental health services in the county jail system. We are actively involved in several community forums, e.g. Psychiatry and the Law Society, Mental Health Advisory Board, LPS Providers monthly meeting, North County Mental Health Providers meeting, and will continue our involvement there.

In addition, we are frequently in contact with the local office of the National Alliance for the Mentally Ill (NAMI) to facilitate advocacy and treatment for family members in custody as well as county and community-based provider organizations. We have, and will continue to be involved in educational forums and meetings and have and will continue to accept speaking engagements to enhance community understanding of the benefits of the care we provide and seek additional support. We regularly participate or give presentations at professional conferences such as the Meeting of the Minds and the Mental Health Recognition dinner and will continue to do so as the opportunity arises. In addition, the Department’s Detentions chief mental health clinician is being honored by the San Diego Psychiatric Society this year as the recipient of the Mental Health Awareness award, which reflects our increasing presence in and recognition by the local mental health community.”

Recommendation 04-03-6: Develop long term plans to ensure funding for mental health services in the county jail system.

County Response: Concur with that part of the response from the Sheriff, which states:
“The recommendation has not yet been implemented, but will be implemented in the future.

Like all other regions of the United States, San Diego’s jails have become the de-facto mental health provider of last resort, and increasingly, the initial provider of mental health care for persons who don’t have access to mental health care until after they are incarcerated.

The Medical and the Inmate Services Divisions of the Detentions Bureau are in the process of developing a strategic plan for the provision of services for mentally ill inmates and persons with co-occurring disorders.

Sheriff's Medical Services are working with HHSA to consider how to better utilize resources for economy and also the development of additional revenue streams where possible. One such area under consideration is the appropriate use of coupons and other discounts for drug purchases to reduce the net cost for pharmaceuticals in the treatment of patients in this population."

It is anticipated that the strategic plan discussed above will be completed during Fiscal Year 2004-05.

Recommendation 04-03-7: Develop and strengthen the working partnerships among Health & Human Services Resource Development Division, Sheriff's Health Services, and Probation Department. This partnership would work on coordinated grant requests so that mental health services grant revenues can be increased.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff is committed to developing and strengthening such partnerships and through its Inmate Services and Medical Services Divisions, has initiated collaborative meetings to pursue additional grant opportunities. We will continue to seek opportunities for collaboration and increased service capacity.

At the time of this writing, the Sheriff's Department, as the lead agency, has initiated a SAMSHA grant application in partnership with HHSA, the Probation Department, and a coalition of community based organizations. The proposed program specifically addresses transitional case management initiatives for inmates with co-occurring disorders such as those successfully utilized in the Connections Program."

MEDICATION

Finding 1: The county jail health system currently has no other cost effective medication purchasing options.

County Response: Agree

Recommendation 04-03-8: Explore drug purchasing alternatives including those utilized by other states and public agencies to identify potential cost-savings.

County Response: This recommendation has been implemented. As described in the Sheriff's response to this recommendation, staff in the Sheriff's Department and Health and Human Services Agency are working together as members of the County Pharmacy and Therapeutics Committee to consider cost-saving measures and mitigate pharmaceutical costs where practical.

CONNECTIONS PROGRAM

Finding 1: The San Diego County Sheriff's Department has been recognized by the California Board of Corrections as having one of the most successful transition programs and has demonstrated the best outcomes in the state.

County Response: Agree

Finding 2: Without this type of individualized assistance from trained professionals mentally ill offenders do not consistently or automatically receive treatment or help from County mental health service agencies when they are released from jail.

County Response: Agree

Finding 3: When released from jail mentally ill offenders do not necessarily receive assistance, referrals or monitoring for their substance abuse problems.

County Response: Agree

Recommendation 04-03-9: Implement a training initiative for probation officers and workers in the public mental health and community agencies in order to enhance their understanding of special needs and concerns of released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. Such training currently takes place. We will continue to explore opportunities to expand this training as staffing and funding levels permit.

ATTACHMENT B

COUNTY OF SAN DIEGO RESPONSES TO 2003-2004 GRAND JURY REPORT: "PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN: TIME TO PROFESSIONALIZE?"

Issued May 19, 2004

Findings:

1. We found that instead of utilizing professional assessments to develop evaluations and the scope of work to be done, the PA/PG Property Manager relied on and utilized informal working relationships with contractors as if they were direct employees.

Disagree. All independent contractors utilized by the (Public Administrator/Public Guardian) PA/PG's office are professionals in their specific disciplines. Independent contractors utilized by the PA/PG's Office have formal service contracts. These contracts have specific insurance and bonding requirements that have been approved by the Office of County Counsel. The scope of all work to be performed by independent contractors is reviewed and verified in detail by the Estate Property Manager.

2. Because of the informal working relationship between the PA/PG Property Management officials and the contract handyman, we were unable to determine with any specificity either the scope of work or the quality of work that was done at the real property.

Disagree in part. The scope of work for the estate property featured in the Grand Jury's review was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and independent contractor. The independent contractor performed all repair work pursuant to a fully executed service contract with the PA/PG's Office. The Estate Property Manager performed a site visit after the work was completed to ensure the repairs were done in a satisfactory manner. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized forms which clearly illustrate the specific scope of work assigned to contractors and checklists to document the Estate Property Manager's review and verification of work performed.

3. Oversight and verification of work performed by the handyman at the property was minimal. This prevented verification of what precise work was done to respond to specific problems that needed repair before tenant occupancy.

Disagree in part. The scope of work for repairs at the property was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and contract handyman. The Estate Property Manager also

performed a site visit after the work was completed to verify the precise work that was done. All repairs were completed to the satisfaction of the Estate Property Manager and met housing code requirements. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized checklists to document the Estate Property Manager's review and verification of work performed.

4. The predominant focus of PA/PG Property Management was not on "what needed to be done" but on "what minimum needed to be done" to get the desired rent and to make the property "tenable."

Disagree. The predominant focus of the PA/PG's office was the preservation of and safeguarding of estate assets. A conservator must "consider several factors, such as terms of the will (if known), age, life expectancy, size of estate" (California Conservatorships and Guardianships Sec. 12.57) "A conservator's duty falls somewhere between a trustee's and an executor's....A conservator or guardian is not specifically charged, as he or she would be in a trust, with protecting the remainderman's interest." Thus, as conservator, the Public Guardian must balance many factors, always keeping in mind that the conservatee must have his or her needs met. So while the PA/PG's office had to be aware of the conservatee's estate plan and attempt to maintain the ratios he hoped to leave upon his death, the reductions of costs and production of income certainly was a key factor in providing for the conservatee in his lifetime. The needs of the conservatee took precedence then over needs of the heirs in any balancing test.

5. In 2003 the tenant reported problems in the house that revealed extensive water and mold damage throughout the house. Yet only two minor expenditures were made in 2001 and 2003 to repair the roof.

Agree. According to the Grand Jury's review, the tenant reported problems to the private administrator of the decedent estate regarding water and mold damage at the time of her eviction, which occurred several months after the PA/PG's office ceased involvement in managing this estate asset. Records indicate that while the Public Guardian acted as conservator of the estate, the PA/PG's Rental Agent responded to both of the complaints submitted by the tenant and that repairs were made in a timely manner. Therefore, any extensive water and mold damage found should be attributed to the tenant's negligence in her responsibility to report these issues to the PA/PG's Rental Agent and/or private administrator.

6. In addition to what ultimately became \$13,000 in lost rental revenue, the contract rental agent and PA/PG Property Management officials did not assess \$35 late payment fees for the remaining 27 months that the tenant's rent was late.

Disagree in part. The PA/PG's Rental Agent collected 30½ out of the 33 months of rent owed while the estate was administered by the PA/PG's office and during the transition to the private administrator. The total deficit of rental payments was \$6,250 when the estate assets were marshaled by the private administrator. The discretionary late payments were not collected.

However, it should be noted that all financial transactions pertaining to this conservatorship estate were fully documented and reported to the Superior Court in the mandatory Accounting. Notice was sent to all parties and included with the notice was the Accounting and all pertinent schedules. The parties were also notified of the date and time of the hearings on the Accounting. At no time did anyone appear or object to the Accounting and as a result, a Court Order was issued. This Order later became a final judgment.

Finally, it is important to note that the long period of alleged rental deficit occurred during the probate administration, not the conservatorship. A Probate Administrator's duties begin when they are issued letters of administration. A conservator's authority terminates upon the death of a conservatee except for safeguarding assets until delivery to the successor.

7. There was no written procedures in place to guide the decision-making and actions by PA/PG staff and especially by their contract rental agent when there is prolonged non-payment of rent.

Agree. Written procedures have since been developed and implemented to better guide decision-making and actions by PA/PG staff and the PA/PG's Rental Agent when there is a prolonged non-payment of rent. A monthly report is also submitted by the PA/PG's Rental Agent to the Estate Property Manager and PA/PG summarizing the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

8. There appeared to be more concern about the work that would need to be done and the cost if the tenant vacated the property than on the department's obligation to protect and enhance the largest asset of the estate.

Disagree in part. The PA/PG does not have a statutory obligation to enhance estate assets. As many estates do not have assets outside of real property, any "enhancement" would necessitate the expenditure of County general fund dollars for the benefit of private estates, which would be an unacceptable use of taxpayer dollars.

Properties that can be made tenable like the one reviewed by the Grand Jury are rented out to earn income for the estate and reduce costs associated with insurance. The cost of insuring an unoccupied residence is generally higher,

therefore renting out a property like this one is fiscally prudent. The cost of insuring this specific property, while occupied, was \$775 a year. Had it been unoccupied, the estate would have been assessed \$5,994 for insurance each year and lost \$2,500 in rental income each month (\$30,000 annually).

It must again be emphasized that the best interest of the conservatee would necessitate reduced costs and expenses and an increase in income stream in order to provide for his or her daily needs.

9. The PA/PG has not instituted sufficient safeguards and reporting mechanisms for their monitoring and evaluation of performance of the rental agent.

Disagree in part. The PA/PG's Rental Agent generally meets with the Estate Property Manager once each week. These frequent and regular meetings have enabled PA/PG representatives to closely monitor and evaluate the Rental Agent's performance. In addition to continuing the regularly scheduled meetings, the Rental Agent's contract with the PA/PG's office now requires (1) A written property assessment for each handled property; (2) A written plan to address any property defects to make the property tenable; (3) Completion of tenant checklists; and (4) Regular safety and maintenance reviews for occupied properties. These documents are also reviewed by the Public Administrator/Public Guardian (Director) allowing for an additional level of oversight for property management activities.

10. It does not appear that the PA/PG Property Management Division has a goal to "seek to know and respond to" problems; instead they appeared to do and spend as little as possible on problems.

Disagree. The Estate Property Manager, under general direction of the PA/PG, is charged with evaluating, managing renovating and selling real property. The position also oversees all aspects of marshalling, securing, distributing and liquidating personal property from estates. The incumbent is dedicated to knowing, understanding and working through problems associated with the real and personal property from the 700-900 estates administered by the PA/PG's office at any given time.

11. There are no formal mechanisms or policies that require notices about significant events or changes in tenants or vendors to be sent from PA/PG Property Division to the case managers so that timely and appropriate business decisions or actions can be taken by them.

Disagree in part. The Estate Property Manager makes personal contact with Case Managers when significant events occur on real property assets. Moreover,

in late 2003, the PA/PG began holding monthly Real Property Roundtable meetings with the Estate Property Manager and Case Managers to discuss the status of all real property and review policies and procedures for managing real property estate assets. Revised policies and procedures now require that significant events or changes in tenants or vendors be memorialized in writing and in the "Events Screen" of the PA/PG's automated case management system.

12. There are not joint authorization requirements or procedures in effect in PA/PG so that there can be joint accountability for expenditures related to property management projects and expenses.

Disagree. Joint authorization for expenditures related to property management projects and expenses does in fact occur in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The check is signed by this employee and forwarded to the PA/PG's Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded to the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

It is also important to note that a Property Plan meeting is held with the Estate Property Manager and Case Manager directly after the PA/PG is appointed as conservator or administrator of an estate with real property assets. During this meeting, the scope of required repairs is discussed as well as the budget required to complete the repairs. This is necessary, especially in the case of conservatorship estates, because the primary responsibility of the conservator is the month-to-month care payments for the conservatee. No amount can or would be spent on property maintenance or repairs that would in turn jeopardize the conservatee's personal care needs.

13. PA/PG Policies and Procedures direct officials to protect and preserve the assets of a Conservatee's estate until it is transferred to a private administrator. They do not specify when the transfer should occur or the specific steps that should be followed in order to execute it.

Agree. Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A more specific procedure, including a timeline, would be impossible to dictate given the

requirement of the private administrator to collect the income and assets upon appointment. In the case reviewed by the Grand Jury, the private administrator was fully aware the real property asset was rented but made no effort to contact the PA/PG's Rental Agent to have the rent receipts transferred to the decedent estate. The Case Manager was also in contact with the private administrator on three separate occasions with requests for him to pick up the estate's personal property stored in the PA/PG's warehouse. The private administrator's failure to marshal these assets after a several month period necessitated the Case Manager to contact the heirs of the estate directly.

14. Had there been a formal transfer of responsibility and full disclosure regarding the status of tenancy, terms of the rental agreement, proper designation of the security deposit transfer and condition of the property on December 23, 2002, the course of events over the following months until distribution of property in August could have been different.

Disagree in part. A formal transfer of responsibility in this case was in fact attempted by the PA/PG's office, however, the private administrator's unresponsiveness prevented a timely transfer to occur. Within two weeks of the death of the conservatee, the PA/PG's office provided the private administrator with information regarding the real property asset, including insurance, status of tenancy and terms of the rental agreement. Even though the private administrator was fully aware the property was rented, he made no effort to contact the Rental Agent and have rent payments transferred to the decedent estate. As noted above, the Case Manager also made personal contact with the private administrator on three separate occasions with requests for him to pick up the personal property stored in the PA/PG's warehouse. These requests to marshal the estate's assets were also ignored for several months requiring the Case Manager to contact the heirs of the estate directly.

15. Our investigation and case study illustrates the need to make comprehensive revisions and additions to the PA/PG Policies and Procedures Manual.

Agree. The PA/PG Policy and Procedure Manual has been undergoing a comprehensive review and revision to reflect recent changes in State Legislation and Local Court Rules, rulings made by new Probate Judges and recommendations from the HHSA Compliance Officer. The revised PA/PG's Policy and Procedure Manual is scheduled for completion by August 2004.

Recommendations:

- 04-06-1 Enact and implement policies and procedures that require the procurement and utilization of independent professional assessments and evaluations regarding the condition of real property including roofs, plumbing, structural integrity and overall maintenance whenever possible when initially entrusted to the care of the PA/PG.**

This recommendation will not be implemented.

As a fiduciary, the PA/PG is charged with marshaling and safeguarding property. In this role, the PA/PG is also required to exercise prudence in the expenditure of estate funds, which does not extend to independent, professional assessments on real property assets. The independent contractors currently retained by the PA/PG are qualified to evaluate properties and complete recommended repairs in order to make the properties tenable and satisfy housing code guidelines.

- 04-06-2 Enact and implement policies and procedures that require the development of a clearly defined scope of work to be performed on real property projects over \$500, prior to the solicitation of bids from authorized providers.**

This recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires that all real property repair projects over \$500 have a clearly defined scope of work.

- 04-06-3 Enact and implement policies and procedures that require accountability and verification of work performed under service contracts on real property entrusted to the PA/PG.**

The recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires the PA/PG Rental Agent to submit recommendations for repairs on a standardized California Association of Realtors form entitled "Statement of Condition." The policy also requires the following:

- (1) The Estate Property Manager and assigned Case Manager review and approve all planned repairs and associated costs for real property improvements;
- (2) The Estate Property Manager personally review major repair work performed by contractors;

- (3) The Estate Property Manager and assigned Case Manager review and approve all invoices associated with work performed under service contracts on real property managed by the PA/PG's office.

04-06-4 Enact and implement policies and procedures that require adherence to Property Management standards of practice for the maintenance of property, for the collection of rents and for evicting tenants for non-payment of rent.

This recommendation will not be implemented as current policies and procedures address these issues.

It is the policy of the PA/PG's office to manage property in such a way as to maximize both the security and the estate value of the properties. PA/PG Policy and Procedure Manual Section 3.3 details the responsibilities of the Estate Property Manager to adhere to property management standards of practice. Industry standards are used for the collection of rent and eviction of tenants for non-payment of rent when such action is not detrimental to the estate.

04-06-5 Enact and implement policies and procedures that reinforce the importance of protecting, preserving and enhancing the assets of estates.

This recommendation will not be implemented as current policies and procedures address these issues.

PA/PG policies and procedures have historically and consistently reinforced the importance of marshalling, protecting and preserving the \$40-\$50 million of assets under the care of the PA/PG's office. These assets include real and personal property, business interests, cash, stocks, bonds, mutual funds, annuities and insurance policies. In addition, monthly in-service trainings and Real Property Roundtable meetings, which have been in effect since 2003, provide opportunities for Property and Case Management Division representatives to regularly review policy and procedures concerning the management of estate assets. These regular meetings also provide a forum to discuss the status of real and personal property assets of individual estates.

04-06-6 Ensure that PA/PG contracts with the rental agent includes requirements for, at a minimum, quarterly inspections and the submission of regular reports regarding the maintenance conditions of properties the contractor is responsible for.

This recommendation has been implemented.

The PA/PG's revised Rental Agent Contract includes requirements for quarterly inspections and submission of reports on maintenance conditions for each property that he/she has been contracted to manage. Standardized forms offered

by the California Association of Realtors are now utilized for quarterly inspections and reports. All reports are reviewed the Estate Property Manager and Director.

- 04-06-7 Enact and implement policies and procedures that require monthly reports regarding rental income and other reports that would enable oversight and the evaluation of the information in the reports by PA/PG Management.**

This recommendation has been implemented.

The revised PA/PG Policy and Procedure Manual Section 3.3 requires the PA/PG Rental Agent to submit a monthly report to the Estate Property Manager and Director which summarizes the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

- 04-06-8 Enact and implement policies and procedures that establish and require formal notice and communication mechanisms between PA/PG Property Management and Case Management Divisions regarding key events and transactions related to property entrusted to the department.**

This recommendation will not be implemented as current policies and procedures address these issues.

Key events and transactions related to property entrusted to the department have historically and consistently been communicated by e-mail exchanges, documentation in case files, meetings between the Estate Property Manager and Case Manager and discussions at monthly Real Property Roundtable meetings which are chaired by the PA/PG. In addition, Real Property issues have been included as a standing item at weekly PA/PG Management Team meetings, which are also chaired by the PA/PG. As with all estate administration activities, key events and transactions related to real property entrusted to the department are memorialized in the "Events Screen" of the PA/PG's automated case management system.

- 04-06-9 Enact and implement policies and procedures that establish requirements for joint authorizations between Property Management and Case Management Divisions for expenditures related to property management projects and expenses.**

This recommendation will not be implemented as current policies and procedures address these issues.

Joint authorization for expenditures related to property management projects and expenses has historically and consistently been required in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The chit is signed by this employee and forwarded to the PA/PG's

Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

- 04-06-10 Enact and implement policies and procedures that establish clarity in responsibility, time-lines, protocols and other necessary details related to the proper transfer of Conservatee estates to private sector administrators.**

This recommendation has been implemented.

Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A revision was added for the assigned Case Manager to advise the Public Administrator/Public Guardian when private sector administrators, heirs or beneficiaries do not respond timely to requests for instruction concerning the collection of the conservatee's estate assets so that additional measures can be taken personally by the Director with the private administrator and/or Superior Court officials.

- 04-06-11 Evaluate and make appropriate revisions and additions to the PA/PG Policies and Procedures Manual.**

The recommendation will not be implemented.

A comprehensive review and revision of the PA/PG Policy and Procedure Manual has been underway for several months. The revisions reflect recent changes in State Legislation, Local Court Rules, rulings made by new Probate Judges and recommendations from the HHSA Compliance Officer.

- 04-06-12 Implement a comprehensive training program for all department staff regarding their performance under the revised Policies and Procedures.**

The recommendation will not be implemented.

The department's ongoing monthly in-service training program has continuously featured updated policies and procedures concerning real and personal property asset management.

ATTACHMENT C

COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT: "TOUCH-SCREEN VOTING – THE FUTURE OR FAILURE?"

Issued May 27, 2004

FINDINGS

Finding 1: A number of voters were either completely or partially disenfranchised as a result of the late opening of some precincts.

County Response: Disagree in part. An undetermined number of voters were inconvenienced in varying degrees by the late opening of the polls. Poll workers reported that many voters, unable to vote in the morning, returned later in day.

Finding 2: The short time frame from approval-to-receipt-to-distribution-to-implementation of the new voting technology significantly impacted the implementation process.

County Response: Agree.

Finding 3: Outside activities such as lawsuits, media distraction, Secretary of State rulings often diverted attention and effort from the immediate task of implementing the new voting system.

County Response: Agree.

Finding 4: Recruiting of System Inspectors needs to be enhanced to do a better evaluation of their PC literacy and comfort with technology.

County Response: Agree.

Finding 5: The training and support materials for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The training and support materials addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the training and support materials lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 6: The classes for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The classes addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the classes lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 7: The way the ROV implemented the new voting system made it impossible to be “hacked” from the outside. There was no external access to the PCMs or touch-screens.

County Response: Agree.

Finding 8: The current method of insuring the security of the PCMs by sealing the case in which they are stored contributed to the battery discharge issue.

County Response: Agree.

Finding 9: The access security to the supervisor software on the touch-screens is unacceptable as currently implemented by the vendor.

County Response: Agree.

Finding 10: The design of the door securing the ballot memory card on the touch-screen unit requires breaking the door seal to turn on the machine. This means the ballot memory card is not secured by a seal during the Election Day.

County Response: Agree.

Finding 11: The lack of a voter verifiable paper trail makes it difficult to convince the public of the integrity of the new voting technology.

County Response: Disagree in Part. This is true for some members of the public; however, feedback from voters and poll workers indicated a very high level of confidence in the touchscreen voting system.

Finding 12: A voter verifiable paper trail would be a significant tool in auditing the results of electronic vote tabulation.

County Response: Disagree in Part. A voter verifiable paper trail *could* be one method of auditing the results, provided it is functional and reliable in a real election environment.

Finding 13: A voter verifiable paper trail could be a valuable tool in a recount of close elections.

County Response: Agree.

Finding 14: The timeframe of the March 2004 Primary Election did not allow for distributing appropriate paper ballots to each precinct.

County Response: Agree.

RECOMMENDATIONS

Recommendation 04-09-1: Require modification of the recruiting and selection process for poll workers to include an evaluation of the candidate's PC literacy and comfort level in dealing with electronic systems.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters is researching methods to best evaluate the ability of potential poll workers to use electronic equipment and plans to develop a survey/test to be completed prior to selection and assignment.

Recommendation 04-09-2: Require a review of the training materials, classes, and choice of instructors. Procedures and documentation should be modified or rewritten. Instructions for the resolution of the battery problem encountered in March should be added to the training and documentation. Consideration should also be given to having the materials and classes redone by professional trainers.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters plans a complete overhaul of its training program, including the training materials, classes and instructors, in consultation with a training professional. Expanded troubleshooting guidance will be included in training materials.

Recommendation 04-09-3: Require a new method for securing the integrity of the Precinct Control Modules to allow them to be plugged in, charged, and inspected by the poll workers before the day of the election while maintaining the security of the equipment.

County Response: The recommendation is in the process of being implemented. If, and when, the PCM is deployed again, the Registrar of Voters will provide a means to test and charge the unit without compromising security.

Recommendation 04-09-4: Require the vendor to change the master access cards that are generic nationwide to cards that are at least specific to San Diego County if not individually unique. The vendor should also be requested to allow the passwords associated with the master access cards to be chosen and generated locally by the Registrar of Voters.

County Response: The recommendation has been implemented. The vendor's newest TSx firmware (4.4.5) and GEMS integrated system software (1.18.19) has been federally qualified (NASED number 1-06-12-22-001). It includes enhancements that will allow the master access cards to be specific for San Diego and for the passwords to be chosen and generated locally by the Registrar of Voters.

Recommendation 04-09-5: Require the vendor to modify the door securing the on/off switch and ballot memory card on the touch-screen machines so that the system can be turned on or off without breaking the seal on the memory card.

County Response: The recommendation requires further analysis. This recommendation would require a retrofit of the TSx voting units, which could have certification or warranty implications. We may be able to address the security concern in ways other than modifying the voting units. Analysis of this recommendation will be completed by November 27, 2004.

Recommendation 04-09-6: Require the vendor to design and implement a voter verifiable paper trail for each vote cast. The paper trail votes would be retained at the precinct, archived, and used only for random validation of electronic votes in selected precincts or in the case of a closely contested race requiring a recount. A paper trail is required by the Secretary of State for the 2006 elections.

County Response: The recommendation is in the process of being implemented. Diebold is contractually required to provide the County with a touchscreen system certified by the Secretary of State. Current state certification requirements for this system include an accessible voter verifiable paper trail.

Recommendation 04-09-7: Require that paper ballots be available at all polling places for voters to use at their option.

County Response: The recommendation has been implemented for the November 2004 Election. All polling locations will have paper optical scan ballots. When the touchscreens are deployed again, the accessible voter-verified paper trail, along with improved training of poll workers and other back-ups and safeguards in the system, should eliminate the need for paper ballots at the polls.

Report Title: HOT TEAMS

Due Date: 08/20/04

Report #: 04-07

Responding Agency:

San Diego County Board of Supervisors

San Diego City Council



THE CITY OF SAN DIEGO

June 29, 2004

IN REPLYING
PLEASE GIVE
OUR REF. NO.
4005

Grand Jury
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101

RECEIVED

JUL 01 2004
SAN DIEGO
COUNTY GRAND JURY

Dear Ladies and Gentlemen of the San Diego County Grand Jury:

On May 20, 2004, the San Diego County Grand Jury completed an investigation titled "Should HOT Teams Be Expanded and For Whom?" The report was delivered to County of San Diego Health and Human Services, PERT Incorporated and the San Diego Police Department asking for a response to their recommendations.

California Penal Code 933 (c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Below are the responses by our Department to three of their recommendations.

RECOMMENDATION 04-07-01:

CONTINUE COLLABORATIVE EFFORTS BETWEEN THE COUNTY AND CITY OF SAN DIEGO TO SUPPORT THE HOMELESS OUTREACH TEAMS.

RESPONSE: The San Diego Police Department concurs with the Grand Jury's findings and supports Recommendation 04-07-01. The Homeless Outreach Team is an excellent example of a successful collaboration between the County and City of San Diego, as well as a private non-profit organization, PERT Incorporation. This recommendation has been implemented and the Police Department intends to continue providing personnel and funding for fiscal year 2004/2005.

04-07-02:

DEVELOP A STRATEGIC PLAN TO EXPAND THE HOMELESS OUTREACH TEAMS SO THAT THESE TEAMS CAN EXTEND THEIR COVERAGE TO INCLUDE HOMELESS JUVENILES.



Office of the Chief of Police
1401 Broadway • San Diego, CA 92101-5729
Tel (619) 531-2000

RESPONSE: The San Diego Police Department is unable to support Recommendation 04-07-02 at this time. The Police Department is pleased with the results of the Homeless Outreach Team and the successful partnerships it has created. However, due to the lack of funding sources and staff to support this expansion, the Police Department cannot implement this recommendation. We simply do not have the resources available to expand coverage at this time.

The team conducts its most effective work when one officer is paired with one clinician and one Health and Human Services Specialist. The current Homeless Outreach Team is understaffed with the configuration of four police officers, two PERT clinicians and two Health and Human Services Specialists. The two PERT Clinicians assigned to the Homeless Outreach Team each work a 32-hour week. To operate at full strength, additional funding would be needed to bring the current 32-hour week up to 40 hours, add two PERT clinicians and two Health and Human Services Specialists to the team.

Currently, the Police Department funds one clinician and the other is funded by the City of San Diego. San Diego County Health and Human Services funds the two specialists. A third clinician is pending assignment to the team on August 1, 2004. This position is a two-year contract paid by federally mandated funds awarded to the Police Department. There is no funding identified to continue the contract when these grant monies expire in July 2006.

The four officers assigned to the Homeless Outreach Team were pulled from our Patrol Division. When they were reassigned to HOT, their patrol positions remained vacant due to budget constraints and attrition issues. The Police Department has continued to experience attrition at a rate of approximately eight officers per month without the benefit of hiring new officers. At this time, we do not have the personnel available from our Patrol Division to expand the Homeless Outreach Team.

04-07-03:

INVESTIGATE PUBLIC AND PRIVATE SECTOR FUNDING SUPPORT TO INCREASE THE NUMBER OF SHELTER BEDS IN SAN DIEGO COUNTY AND DESIGNATE MORE SHELTER BEDS SPECIFICALLY TO THE HOMELESS OUTREACH TEAMS FOR THE CHRONICALLY HOMELESS CLIENTS THEY ARE SERVING.

RESPONSE: The San Diego Police Department concurs with the Grand Jury's findings and supports Recommendation 04-07-03. This recommendation has already been implemented.

Grand Jury, County of San Diego
June 29, 2004
Page 3

On January 20, 2004, the Mayor and City Council approved a resolution supporting the federally supported "10 Year Plan to End Chronic Homelessness." The County of San Diego approved their resolution to support the "10 Year Plan" on June 22, 2004. The Homeless Outreach Teams will be included in the intervention portion of this planning process.

Sincerely,



William M. Lansdowne
Chief of Police

RECEIVED



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

AUG 17 2004
SAN DIEGO
COUNTY GRAND JURY

RECEIVED
AUG 13 2004

August 10, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to four reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled:

- Should #1051 Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child is Incarcerated, Now What?

The attached material was approved by the Board of Supervisors on August 10, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

7

DATE: August 10, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of these reports.

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in four of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. These responses address the following reports:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

ATTACHMENTS DISTRIBUTED TO EACH BOARD
MEMBER, CAO, COUNTY COUNSEL AND ON FILE
IN THE OFFICE OF THE CLERK OF THE BOARD)

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

AGENDA ITEM INFORMATION SHEET

CLERK OF SAN DIEGO
COUNTY OF SAN DIEGO

CONCURRENCE(S)

2004 AUG -2 PM 12:41

COUNTY COUNSEL REVIEW

☒ Yes

Written Disclosure per County Charter
Section 1000.1 Required

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

☐ Yes

☒ N/A

Requires Four Votes

☐ Yes

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Health and Human Services Agency
Public Safety Group

J. Shepard

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

619-531-6271

Phone

619-557-027

Fax

A-6

Mail Station

Janice.Graham@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

ATTACHMENT A: RESPONSE TO 2003-2004 GRAND JURY REPORT

"SHOULD HOT TEAMS BE EXPANDED AND FOR WHOM?"

FINDINGS:

1. With all these services being offered by various agencies, it is easy to understand that accessing these or even knowing of their availability would be difficult for anyone. This must certainly be true for the chronically homeless. These people are often isolated from the community's mainstream. According to the September 2002 Fact Sheet #3 by the National Coalition for Homeless, over 20-25% of the homeless suffer from severe mental illness.

Agree.

2. The chronically homeless population consumes a disproportionate amount of law enforcement and emergency medical treatment resources. This may be due to the reason for their homelessness not being adequately addressed. Having HOT teams seek out individuals one at a time and addressing their specific needs may lead to better and more appropriate use of limited resources.

Agree.

3. The Homeless Outreach Teams' multi-disciplinary make-up allows for comprehensive field assessments. With two or three disciplines (social services, medical, and safety) addressing an individual's need it is more likely that a break in the cycle of homelessness will occur.

Agree.

4. Because of budgetary constraints, the teams now operate with only two professionals on a team in order to make-up more teams and reach more homeless people. With an increase in staff, they would, once again be able to operate more effectively as they originally did with all three professionals on a team and perhaps expand to serve youth.

Partially disagree. While it is correct that budgetary constraints limit the number of Homeless Outreach Teams, cost effectiveness is the primary factor in determining the number of professional staff in each team. Homeless Outreach Teams are primarily designed to link people to services. Mental health professionals are added to the team as situations warrant.

5. The Homeless Outreach Teams only cover the downtown and beach areas. The juvenile homeless in our county do not routinely stay within these areas. They tend to be more visible at night and are found in Hillcrest and under

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

support of successful strategies that address homeless issues. The Agency continues its commitment to Homeless Outreach Teams with the allocation of personnel for Fiscal Year 04-05.

04-07-2: Develop a strategic plan to expand the Homeless Outreach Teams so that these teams can extend their coverage to include homeless juveniles.

This recommendation will not be implemented. The Health and Human Services Agency is committed to ongoing collaboration with public and private agencies to improve the provision of effective and efficient services provided to homeless populations including juveniles. Current budget constraints prevent expansion of the Homeless Outreach Team program at this time.

04-07-3: Investigate public and private sector funding support to increase the number of shelter beds in San Diego County and designate more shelter beds specifically to the Homeless Outreach Teams for the chronically homeless clients they are serving.

This recommendation will not be implemented because the role of the County's Health and Human Services Agency is to provide basic health and social services. Although the County is not responsible for homeless housing, the County would be supportive of other agencies' efforts to provide housing for homeless clients. The County's Health and Human Services Agency will continue to focus on the provision of supportive services to this population as funding permits.

**ATTACHMENT C: RESPONSE TO 2003-2004 GRAND JURY REPORT
"COST EFFECTIVE FORENSIC SERVICES IN SAN DIEGO COUNTY"**

**SECTION - CONSOLIDATION OF TOXICOLOGY TESTING AS A COST SAVINGS
MEASURE**

FINDINGS:

1. The Grand Jury believes the Office of the Medical Examiner may be the facility to consider as the provider of toxicology testing for other county agencies. However, the existing Office of the Medical Examiner is not large enough nor is it equipped to handle such an increase in workload. A substantial financial investment would be required to establish this facility as a countywide provider of toxicology services.

Agree

2. It seems logical that county agencies requiring toxicology testing should collectively explore the feasibility of providing this service within the County.

Agree

3. Such a collaborative effort and earnest exploration of an in-county toxicology service provider may lead to a more cost-effective use of county resources and better serve the community.

Agree

4. If a county toxicology department is not developed in the near future, a more immediate approach to multiple contracts for the same service is needed. A rational solution might be to form a single group with representatives from all agencies and negotiate one master contract. This could potentially save time and money in negotiations and unit pricing.

Agree

5. Crime laboratories constantly work with investigative and court imposed deadlines. Receiving evidentiary results in a timely manner is crucial to rapid crime solving.

Agree

RECOMMENDATIONS:

04-11-1: Evaluate the feasibility of consolidating the toxicology service requirements of all San Diego County agencies.

Agree

RECOMMENDATIONS:

04-11-4: Continue the budget appropriations that have enabled the Sheriff to fully fund the operational needs of the Crime Lab so that services can be made available to law enforcement agencies throughout the county without charge.

The recommendation has been implemented. According to the Director of the Sheriff's Crime Laboratory, funding received through the general fund, when combined with federal and state grant funds, meets current operational needs and permits the laboratory to meet accreditation standards. Even so, forensic science is a dynamic field in which there is the potential for new developments and new opportunities to have an impact on the safety of our community. The Board and the Sheriff will continue to monitor the needs of our regional laboratory in order to assure that it remains current on technology and caseloads.

04-11-5: Continue to provide sufficient revenue to the Sheriff so that the Crime Lab can continue to meet their increasing workload of cases while maintaining their national accreditation.

The recommendation requires further analysis. The Board of Supervisors provides funding to the Sheriff's Department that is used at the discretion of the Sheriff to fund operations. While Public Safety continues to be the highest priority of the Board, the Board cannot direct which services the Sheriff chooses to fund and at what level. It is anticipated that the Sheriff will continue to dedicate a sufficient portion of his budget to the Crime Lab in order to meet the increasing workload and maintain their national accreditation.

SECTION – UTILIZATION OF ASSEMBLY BILL 371 (CHAPTER 14, 2004 STATUTES)

10. The Sheriff's Department is taking advantage of this cost savings opportunity (Passage of Assembly Bill 371) by releasing a Request for Proposal so they can negotiate a new contract for the services.

Agree

ATTACHMENT D: -RESPONSE TO 2003-2004 GRAND JURY REPORT

"HELP! MY EMOTIONALLY DISTURBED CHILD IS INCARCERATED, WHAT HAPPENS NOW?"

FINDINGS:

1. The addition of CFMG health services, along with regular meetings has assisted in maintaining a positive impact on physical and mental health services and relationships among custodial and health care staff.

Agree.

2. The accreditation validates the ability of the mental health program at Juvenile Hall to provide services that exceed minimum standards of care.

Agree. CMA has accredited the Juvenile Hall facility as a whole, and accreditation reflects the effective coordination of services among Probation, mental health services and physical health services at the facility.

3. The Grand Jury has found conflicts between MOU statements and actual practice. In addition, procedures for financial accountability are not stated in the MOU.

Disagree. There is no conflict between MOU statements and practice. As stated in the MOU, the MOU is not intended to cover financial agreements; finance is clearly outlined in a separate financial document.

4. It is not clear how frequently existing cases of dual diagnosis are identified by the paraprofessional screening process.

Disagree. It is unknown what data supports the figure of 80% dually diagnosed population. Data provided by the Child and Adolescent Services Research Center (CASRC), a local research and evaluation unit affiliated with Children's Hospital indicates that the maximum number of dually diagnosed youth would be approximately 52%.

The screening process does not identify a mental health diagnosis. Screening identifies populations at risk who may then be referred for mental health services, including diagnosis and treatment.

5. It is generally not possible for Juvenile Hall staff to have knowledge of mental health treatment prior to booking.

Agree. Juvenile Hall is a temporary detention facility, not a treatment facility. The status of a detainee's prior mental health treatment, unless voluntarily released by the juvenile

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

With participation from their family, youth committed to the Breaking Cycles program for youth offenders undergo an evaluation by Probation and Mental Health staff to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. We concur that it would be advantageous to be able to provide additional after release services, and with adequate funding from the State these services could be enhanced.

It is unclear what County policies "maintain costly bureaucratic structures." A concerted effort has been made throughout the Agency, including mental health, to reduce administrative costs and ensure funding is directed to services. In mental health, an example of this is the recent effort to preserve services by the consolidation of three wraparound/intensive case management programs that include probation wards in the target population. Additionally, as part of the Fiscal Year 04/05 Operational Plan, the Agency is conducting managed competitions for a variety of mental health services to ensure that services are provided in the most efficient and effective manner.

10. Families who have been denied services are highly motivated to provide cost-saving ideas and practical assistance for the capacity of community programs to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. This is an untapped resource.

Disagree in part. We concur that families can provide valuable input on programs. The County is always interested in cost-saving ideas and practical assistance for expanding the capacity of community programs, to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. The County offers many opportunities for parents to offer input for improving services, such as community stakeholder forums, the Children's Dual Diagnosis Subcommittee and customer satisfaction surveys.

11. San Diego County is out of compliance with the state mandated concept of facilitating access to services and involving families as partners. The County is pursuing a policy of limiting broad family partnership in the system reform effort (CSOC). The County is supporting *Family Roundtable* leadership by a service provider, which can easily be construed as a conflict of interest.

Disagree. Children's Mental Health Services is in compliance with State System of Care concepts, and, in fact, has been a leader in advancing family partnership at three important levels: policy, program and practice. Examples include:

- **Policy.** Children's Mental Health Services Policy and Procedure #06-01-122, *Implementing Family-Youth Partnerships in Roles Other than Direct Service Provider* is strong policy statement on family partnership. This statement was recently lauded as an excellent example for other systems by the Family and Youth Roundtable of San Diego.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- Children's Mental Health System of Care Steering Committee
- Interagency participation in Source Selection Committees, the body that recommends awards to organizations who respond to Request for Proposals.
- System of Care Wraparound Training Academy, a program dedicated to training providers and family members in the wraparound approach.
- Annual San Diego County System of Care Conferences
- Education Advisory Committee, a subcommittee of the Steering Committee that provides community oversight and recommendations regarding mental health services that directly impact students in San Diego County.
- Participation in Co-Occurring Dual Diagnosis Initiative, an initiative designed to enhance the ability of mental health and alcohol and drug providers to serve individuals and their families with both mental health and substance abuse problems.
- Alianza, a community-based collaborative in central San Diego county dedicated to improving cultural competence in services for youth who experience problems with school and/or the law.

RECOMMENDATIONS:

- 04-13-1 Ensure the review of the Memorandum of Understanding between HHSA and Probation February 1, 2003 for revisions and additions that clarify the minimum level of services, funding to be provided, and protocols for fiscal accountability.**

This recommendation will not be implemented. The MOU is a document describing the roles and responsibilities of clinical staff and the level of services for both HHSA and Probation. The MOU is reviewed periodically for those elements. The MOU is not intended to establish funding levels or protocols for fiscal accountability, which are provided for annually in the respective department's Operational Plan (budget).

- 04-13-2 Mandate revision of the protocol for Juvenile Hall intake to include a licensed clinician in order to identify the need for a mental health assessment and to perform that assessment at the time of booking.**

This recommendation will not be implemented. There will be some 9,000 intakes performed annually at Juvenile Hall (East Mesa and Kearny Mesa facilities). Under the current intake protocol, there are multiple opportunities to screen for the need for a mental health assessment: intake screening, at the physical health screening and through observation of behavior on the wards.

- 04-13-3 Ensure that at least one licensed mental health clinician participates in the intake interview in the special purpose Kearny Mesa Juvenile Detention Facility.**

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

the Children's System of Care with particular attention to ensuring that families and youth receive information, assistance and support from other families and youth so they are not alone as they desperately search for solutions and help.

The recommendation will not be implemented. As mentioned previously, the broad mental health system of care reform that began in 1997 made family partnership the cornerstone of the current system.

Children's System of Care conferences held in 2002 and 2003 promoted themes that emphasized supporting families and youth, and generated recommendations from more than 200 public and private sector stakeholders. These recommendations were approved by the County's System of Care Steering Committee and subsequently implemented by Steering Committee work groups.

The resulting policies developed by Children's Mental Health Services to advance family-youth partnerships have become models for other counties and states. These policies have helped family members and youth assume roles as helpers for troubled youth and families. In addition, these policies guide their role in helping Children's Mental Health Services develop guidelines and programs that improve the system of care.

Aside from the numerous examples of family/youth participation in various policy and program development committees (some outlined under Finding 13 above), the partnership is also exemplified in the advisory role that the Family Roundtable of San Diego provides to the Children's Mental Health Director.



Report: San Diego Emergency Operations Center⁸
Responses due date: August 26, 2004
Responding Agency(ies):

County of San Diego's Board of Supervisors



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AUG 24 2004 9

County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 17, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON FINAL 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to the 2003-2004 San Diego County Grand Jury report titled "San Diego Emergency Operations Center: Seeking Better Communications." The attached material was approved by the Board of Supervisors on August 17, 2004.

This is the County's tenth and final Grand Jury report response this year and, thus, completes our organization's responses for the 2003-2004 Grand Jury session.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

12

DATE: August 17, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), July 13, 2004 (22) and August 10, 2004, your Board approved responses to nine of these reports.

This a request for your Board to review the draft response prepared by the Chief Administrative Officer that responds to the findings and recommendations contained in the remaining report and to authorize the Chief Administrative Officer to transmit your Board's response to the Grand Jury, via the Superior Court Presiding Judge. This response addresses the report titled "San Diego County Emergency Operations Center: Seeking Better Communications."

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit this response to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

12

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☐ Yes

☒ N/A

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s):

Public Safety Group

Department of Media & Public Relations

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

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Janice.Graham@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

RESPONSE TO 2003-2004 GRANT JURY REPORT**"SAN DIEGO COUNTY EMERGENCY OPERATIONS CENTER: SEEKING BETTER COMMUNICATIONS"****SECTION: IMPROVING & ENHANCING COMMUNICATION FROM AGENCIES INTO EMERGENCY OPERATIONS CENTER****FINDINGS:**

1. The fires defied predictions and had many fronts. Smoke and ash severely reduced visibility and prevented intelligence gathering by air. For these reasons getting current information was very difficult and at times impossible.

Agree This fire was unprecedented in San Diego County. Extensive fuel, hot and dry weather as well as the terrain in the burn areas all combined to make this fire impossible to predict. The fire also moved at such a speed as to make the establishment of defensive fire lines unfeasible during the first day or so.

2. Coincidentally, the Fire and Rescue Coordinator was the person in CDF who was heading up the Unified Command for the entire fire so he could not perform EOC function except briefly the second and third days of the fire. Periodically, others filled the seat.

Agree CDF is the elected Fire and Rescue Coordinator for the San Diego Operational area. As such, CDF has a role in the EOC. The extent of the fire fighting effort and the limited resources available prevented a CDF representative from being in the EOC except for those times noted above. In the absence of the CDF representative, the OES Fire Services Coordinator fulfilled the role of the Fire and Rescue Branch Leader in the EOC.

3. Getting fire intelligence into the EOC would not have happened instantaneously by having the elected Fire and Rescue Coordinator sitting at the EOC table. Protocols and guidelines for governing working relationships and communications linkages among fire agencies are not established and need to be before this type of situation reoccurs.

Agree

4. The CDF and USFS San Diego County Fire Siege report contains two recommendations for fire agency representation and preparation that we believe can solve these problems.

Disagree in Part. While the first of the two recommendations referenced has been implemented by the County, the second recommendation requires further study and consideration of any alternatives.

SECTION: OFFICE OF EMERGENCY SERVICES OBLIGATION TO WARN THE PUBLIC OF IMMINENT DANGER

FINDINGS:

1. Officials made an informed decision not to activate the EAS because of its limited capacity for information and time constraints for changing messages. Without the ability to give more precise information, people might have actually evacuated into the path of danger rather than escaping to safety.

Agree

2. The most important lesson learned from the 2003 Firestorm is how our dedicated public safety, fire, rescue and medical personnel, who faced unimaginable challenges during emergencies, need as many tools as possible so they can save lives and property.

Agree

3. The Emergency Alert System, as it now operates, has severe limitations in its usefulness. Other means of mass communications of warnings, like the "reverse 911," must be explored.

Disagree in part. The Emergency Alert System, as it now operates, is useful in some circumstances and has limitations in others. It can and is being improved upon.

RECOMMENDATIONS:

04-08-3: Evaluate the obligation to warn the public regarding impending dangers and identify what strategies, in addition to the "reverse 9-1-1," would be effective and efficient tools that can be used during times of emergencies.

This recommendation has been implemented. The Sheriff's Department has conferred with County Counsel regarding its obligation to warn the public. Generally speaking, the Sheriff's duty to protect extends to the public at large, not to any specific person absent a special relationship. Despite the fact that there is no obligation, the County's Office of Emergency Services and Sheriff staff are continually exploring ways to better accomplish their mission to protect and enhance public safety. To that end, three additional strategies have been identified and are listed below. It should be noted that any new technology-driven systems will be evaluated and used by Deputy Sheriffs conducting door-to-door evacuations, when it is feasible and safe to do so.

1) Use of the EAS will continue to be an option. OES is currently installing the required control equipment and dedicated communications lines that will provide a direct connection between the EOC and the primary EAS Station (KOGO 600). This will allow OES to activate EAS directly from the EOC or from the Sheriff's Communications Center.

pursued. As discussed in response to recommendation 04-08-01 OES has trained in excess of 40 Probation and RACES staff to act as OES field representatives whose purpose is provide real-time information from the field to the EOC. In addition, the response to recommendations 04-08-03 and 04-08-04 speak to the various actions being taken to ensure adequate and timely information is provided to the public

2. A consistent recommendation that we heard from reports and interviews with media was one for the formation of a Joint Information Center adjacent to the County's Emergency Operations Center.

Disagree. The EOC has a media room that was open to the press anytime they wanted to use it. In fact, all media were issued specific invitations to the EOC media room where news conferences were held, and that room was open to them for as long as they wanted to stay. Some stayed as long as one hour after the news conference, but most of the time, the room was empty. All of the County's news conferences were attended by all local major media and all wrote or aired stories on the news conferences. It appeared that most media staff moved from location to location throughout the day, covering various fire-related stories. Since the existing EOC media room was used so infrequently, it would appear that even fewer media staff would have used an additional information center adjacent to the EOC.

RECOMMENDATIONS:

04-08-5: Direct County Emergency Officials to develop a Media Communications Operation Plan with consultation and concurrence of all stakeholders, agencies and organizations that are put into action when the Emergency Operations Center is activated.

This recommendation is in the process of being implemented. The County Department of Media and Public Relations is in the process of finishing their emergency plan, which includes coordination with other County PIO's and with PIO's from outside agencies including law enforcement, fire protection, hospitals and other state, federal and local governmental entities. These groups also meet periodically and share phone numbers, emergency plans and lessons learned from regional emergencies. The DMPR Emergency Communications Plan will be completed before Oct. 31.

04-08-6: Investigate, plan and implement the development of a Joint Information Center adjacent to the EOC operation where media representatives can assemble to receive and transmit information during emergencies.

This recommendation will not be implemented because the County's Emergency Operations Center already contains a Media room where media representatives can and do assemble to receive and transmit information during emergencies. The Media room contains telephones, electrical outlets, desks and access to EOC officials, as well as parking outside the room for television crews to park live trucks.



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AUG 24 2004

County of San Diego

WALTER F. EKARD
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(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 17, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON FINAL 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to the 2003-2004 San Diego County Grand Jury report titled "San Diego Emergency Operations Center: Seeking Better Communications." The attached material was approved by the Board of Supervisors on August 17, 2004.

This is the County's tenth and final Grand Jury report response this year and, thus, completes our organization's responses for the 2003-2004 Grand Jury session.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

12

DATE: August 17, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

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Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), July 13, 2004 (22) and August 10, 2004, your Board approved responses to nine of these reports.

This a request for your Board to review the draft response prepared by the Chief Administrative Officer that responds to the findings and recommendations contained in the remaining report and to authorize the Chief Administrative Officer to transmit your Board's response to the Grand Jury, via the Superior Court Presiding Judge. This response addresses the report titled "San Diego County Emergency Operations Center: Seeking Better Communications."

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit this response to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

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SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

12

AGENDA ITEM INFORMATION SHEET

COUNTY OF SAN DIEGO
CLERK OF SUPERIOR COURT

2004 AUG -9 AM 11: 48

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

☒ Yes

Written Disclosure per County Charter
Section 1000.1 Required

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

☐ Yes

☒ N/A

Requires Four Votes

☐ Yes

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s):

Public Safety Group *gms*

Department of Media & Public Relations *D*

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

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AUTHORIZED REPRESENTATIVE:

Janice Graham

RESPONSE TO 2003-2004 GRANT JURY REPORT**"SAN DIEGO COUNTY EMERGENCY OPERATIONS CENTER: SEEKING BETTER COMMUNICATIONS"****SECTION: IMPROVING & ENHANCING COMMUNICATION FROM AGENCIES INTO EMERGENCY OPERATIONS CENTER****FINDINGS:**

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Report Title: Touch-Screen Voting

Due Date: 08/30/04

Report #: 04-9

Responding Agency:

San Diego County Board of Supervisors



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

22

DATE: July 13, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), your Board approved responses to two of these reports (Conditions & Management of Detention Facilities in San Diego County and Is There a Need For a Regional Fire Authority & Rescue Helicopter in San Diego County?).

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in three of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. The attachments to this letter address the following reports:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury has released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5), your Board approved responses to two of these reports. Three additional report responses are included in this request. Proposed responses for the remaining five reports will be before the Board on August 10, 2004.

The Grand Jury report responses attached to this Board Letter include:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

This is a request for your Board to approve the attached Finding and Recommendation responses to these three reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter

Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☐ Yes

☒ N/A

☒ No

GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

CHIEF TECHNOLOGY OFFICER

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Community Services Group
Health and Human Services Agency
Public Safety Group

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

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Phone

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E-mail

Name

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Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

RECEIVED
COUNTY OF SAN DIEGO
CLERK OF SUPERIOR COURT
JAN 10 10:18 AM

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

Board Policy A-43, Response to Grand Jury Interim Reports

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

RESPONSE TO 2003-2004 GRANT JURY REPORT**"SAN DIEGO COUNTY EMERGENCY OPERATIONS CENTER: SEEKING BETTER COMMUNICATIONS"****SECTION: IMPROVING & ENHANCING COMMUNICATION FROM AGENCIES INTO EMERGENCY OPERATIONS CENTER****FINDINGS:**

1. The fires defied predictions and had many fronts. Smoke and ash severely reduced visibility and prevented intelligence gathering by air. For these reasons getting current information was very difficult and at times impossible.

Agree This fire was unprecedented in San Diego County. Extensive fuel, hot and dry weather as well as the terrain in the burn areas all combined to make this fire impossible to predict. The fire also moved at such a speed as to make the establishment of defensive fire lines unfeasible during the first day or so.

2. Coincidentally, the Fire and Rescue Coordinator was the person in CDF who was heading up the Unified Command for the entire fire so he could not perform EOC function except briefly the second and third days of the fire. Periodically, others filled the seat.

Agree CDF is the elected Fire and Rescue Coordinator for the San Diego Operational area. As such, CDF has a role in the EOC. The extent of the fire fighting effort and the limited resources available prevented a CDF representative from being in the EOC except for those times noted above. In the absence of the CDF representative, the OES Fire Services Coordinator fulfilled the role of the Fire and Rescue Branch Leader in the EOC.

3. Getting fire intelligence into the EOC would not have happened instantaneously by having the elected Fire and Rescue Coordinator sitting at the EOC table. Protocols and guidelines for governing working relationships and communications linkages among fire agencies are not established and need to be before this type of situation reoccurs.

Agree

4. The CDF and USFS San Diego County Fire Siege report contains two recommendations for fire agency representation and preparation that we believe can solve these problems.

Disagree in Part. While the first of the two recommendations referenced has been implemented by the County, the second recommendation requires further study and consideration of any alternatives.

RECOMMENDATIONS:

04-08-1: Ensure that the Office of Emergency Services initiates necessary action for implementation of the two recommendations we have endorsed from the CDF and USFS *The 2003 San Diego County Fire Siege Fire Safety Review Report.*

The CDF/USFS recommendations are:

1. All agencies involved should provide a standing representative to the County Emergency Operations Center (EOC) during major wildland fires that affect multiple jurisdictions.
2. Create a local Multi Agency Coordination (MAC) Group for San Diego County, established by the Office of Emergency Services Fire and rescue Coordinator. The MAC group would represent all departments and agencies with fires burning within their jurisdictions. Operational plans would establish triggers for activation of MAC based on fire activity.

CDF recommendation #1 has been implemented. The involved agencies have been identified as OES and CDF. OES staff worked with CDF as the Area Fire Coordinator to develop a protocol to delineate notification procedures and triggers, as well as providing for a CDF fire representative to be dispatched to the Operational Area EOC when requested. Essentially, OES will now be notified by CDF of any fire in excess of 500 acres or that has the potential to threaten multiple structures. This notification will include specific information on the fire, including contact information for CDF (other than their Public Information Officer) and the Incident Command Post. In addition, OES is in the process of training 40 individuals (from Probation and RACES - Radio Amateurs Civil Emergency Service) to act as our field representatives at Incident Command Posts during significant fires.

CDF recommendation #2 has not yet been implemented, and requires further analysis. Currently the Fire MAC for all of Southern California is operated out of the CDF Operation Coordination Center (OCC) located in Riverside. The San Diego County Fire Chief's Association has initiated discussions on the creation of a Fire MAC for San Diego County. This is a function of the California Division of Forestry and is not under control of the County.

04-08-2: Ensure that the Office of Emergency Services works with other fire agencies to develop and provide training programs that are necessary for the successful implementation of these new strategies.

This recommendation has been implemented. OES has incorporated the Area Fire Coordinator (CDF) and appropriate fire agencies into current and future EOC training, drills and exercises. OES just recently conducted EOC training to prepare for this summer's fire season. The CDF Area Fire Coordinator was invited and attended this training. CDF and other local fire agencies are also routinely incorporated into emergency response drills and exercises conducted by OES.

SECTION: OFFICE OF EMERGENCY SERVICES OBLIGATION TO WARN THE PUBLIC OF IMMINENT DANGER

FINDINGS:

1. Officials made an informed decision not to activate the EAS because of its limited capacity for information and time constraints for changing messages. Without the ability to give more precise information, people might have actually evacuated into the path of danger rather than escaping to safety.

Agree

2. The most important lesson learned from the 2003 Firestorm is how our dedicated public safety, fire, rescue and medical personnel, who faced unimaginable challenges during emergencies, need as many tools as possible so they can save lives and property.

Agree

3. The Emergency Alert System, as it now operates, has severe limitations in its usefulness. Other means of mass communications of warnings, like the "reverse 911," must be explored.

Disagree in part. The Emergency Alert System, as it now operates, is useful in some circumstances and has limitations in others. It can and is being improved upon.

RECOMMENDATIONS:

04-08-3: Evaluate the obligation to warn the public regarding impending dangers and identify what strategies, in addition to the "reverse 9-1-1," would be effective and efficient tools that can be used during times of emergencies.

This recommendation has been implemented. The Sheriff's Department has conferred with County Counsel regarding its obligation to warn the public. Generally speaking, the Sheriff's duty to protect extends to the public at large, not to any specific person absent a special relationship. Despite the fact that there is no obligation, the County's Office of Emergency Services and Sheriff staff are continually exploring ways to better accomplish their mission to protect and enhance public safety. To that end, three additional strategies have been identified and are listed below. It should be noted that any new technology-driven systems will be evaluated and used by Deputy Sheriffs conducting door-to-door evacuations, when it is feasible and safe to do so.

1) Use of the EAS will continue to be an option. OES is currently installing the required control equipment and dedicated communications lines that will provide a direct connection between the EOC and the primary EAS Station (KOGO 600). This will allow OES to activate EAS directly from the EOC or from the Sheriff's Communications Center.

2) The Major Incident Alert (MIA) system has been developed by a consortium of Public Information Officers and news reporters. This is a pager/e-mail communication system hosted on a server supplied by the San Diego Police Department. The system puts all public agency Public Information Officers in immediate contact with virtually all local news agencies. This project is currently undergoing testing and is predicted to be in full service by the end of July 2004. Use of the local news media is a fast way to get information to those who may be watching television or listening to a news radio station at the time of news announcements.

3) A privately-purchased emergency radio receiver has been conceptualized and its feasibility is being studied by technicians in the Sheriff's Wireless Services Division. The concept involves an inexpensive tabletop radio that could be activated by the Sheriff's Communications Center over Regional Communications System transmitters that would warn residents in specific geographical areas. If the concept is found to be feasible, a private manufacturer will need to be located who will produce and sell the receivers.

04-08-4: Ensure that public education campaigns are conducted regarding these new strategies.

This recommendation is in the process of being implemented. OES is working the Sheriff and area fire and law enforcement dispatch agencies to develop a public education campaign to inform residents of San Diego County about the Community Emergency Notification System (CENS) being implemented in San Diego County. Given the high level of controversy over public notification in the 2003 Firestorm, it is anticipated that local news agencies will cover the system's implementation vigorously.

The Sheriff's Department prompted the news agencies to cover the MIA system during the week of July 19-23. The extent to which the media complies with this prompting is out of the control of the County.

Lastly, if the privately-purchased emergency radio receiver achieves production, the County's Media and Public Affairs staff stand ready to perform a major education effort to inform the public of the device in order to encourage participation.

SECTION: OBLIGATION TO KEEP THE PUBLIC INFORMED AND UPDATED ABOUT EMERGENCIES

FINDINGS:

1. There were few internal mechanisms in place for the Emergency Operations Center to gather and disseminate current and accurate information to the public.

Agree. As stated in the Lessons Learned section of the County's After Action Report, the importance of providing timely and accurate information to the public was underscored during the activation. Additional methods and systems to rapidly notify the public need to be identified and implemented where feasible. Actions towards this end are actively being

pursued. As discussed in response to recommendation 04-08-01 OES has trained in excess of 40 Probation and RACES staff to act as OES field representatives whose purpose is provide real-time information from the field to the EOC. In addition, the response to recommendations 04-08-03 and 04-08-04 speak to the various actions being taken to ensure adequate and timely information is provided to the public

2. A consistent recommendation that we heard from reports and interviews with media was one for the formation of a Joint Information Center adjacent to the County's Emergency Operations Center.

Disagree. The EOC has a media room that was open to the press anytime they wanted to use it. In fact, all media were issued specific invitations to the EOC media room where news conferences were held, and that room was open to them for as long as they wanted to stay. Some stayed as long as one hour after the news conference, but most of the time, the room was empty. All of the County's news conferences were attended by all local major media and all wrote or aired stories on the news conferences. It appeared that most media staff moved from location to location throughout the day, covering various fire-related stories. Since the existing EOC media room was used so infrequently, it would appear that even fewer media staff would have used an additional information center adjacent to the EOC.

RECOMMENDATIONS:

04-08-5: Direct County Emergency Officials to develop a Media Communications Operation Plan with consultation and concurrence of all stakeholders, agencies and organizations that are put into action when the Emergency Operations Center is activated.

This recommendation is in the process of being implemented. The County Department of Media and Public Relations is in the process of finishing their emergency plan, which includes coordination with other County PIO's and with PIO's from outside agencies including law enforcement, fire protection, hospitals and other state, federal and local governmental entities. These groups also meet periodically and share phone numbers, emergency plans and lessons learned from regional emergencies. The DMPR Emergency Communications Plan will be completed before Oct. 31.

04-08-6: Investigate, plan and implement the development of a Joint Information Center adjacent to the EOC operation where media representatives can assemble to receive and transmit information during emergencies.

This recommendation will not be implemented because the County's Emergency Operations Center already contains a Media room where media representatives can and do assemble to receive and transmit information during emergencies. The Media room contains telephones, electrical outlets, desks and access to EOC officials, as well as parking outside the room for television crews to park live trucks.

04-08-7: Investigate and implement the development of a centralized public information telephone program where the public can call to receive accurate, complete and timely information from trained volunteers.

This recommendation is in the process of being implemented. The County's Office of Emergency Services (OES) has installed an eight-station call center for use when the Emergency Operations Center (EOC) is activated. OES is currently working with Infoline and the upcoming 211 Board (Infoline will become 211) to identify how they can assist OES in disseminating pertinent information to the public. The agreement should be in place by December 2004.



RECEIVED

AUG 24 2004

County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 17, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON FINAL 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to the 2003-2004 San Diego County Grand Jury report titled "San Diego Emergency Operations Center: Seeking Better Communications." The attached material was approved by the Board of Supervisors on August 17, 2004.

This is the County's tenth and final Grand Jury report response this year and, thus, completes our organization's responses for the 2003-2004 Grand Jury session.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

12

DATE: August 17, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), July 13, 2004 (22) and August 10, 2004, your Board approved responses to nine of these reports.

This a request for your Board to review the draft response prepared by the Chief Administrative Officer that responds to the findings and recommendations contained in the remaining report and to authorize the Chief Administrative Officer to transmit your Board's response to the Grand Jury, via the Superior Court Presiding Judge. This response addresses the report titled "San Diego County Emergency Operations Center: Seeking Better Communications."

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit this response to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

12

Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5), July 13, 2004 (22) and August 10, 2004, your Board approved responses to nine of the ten reports. The proposed response to the remaining report, "San Diego County Emergency Operations Center: Seeking Better Communications," is included in this request.

This is a request for your Board to approve the proposed Finding and Recommendation responses contained in the attachment and to authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

12

AGENDA ITEM INFORMATION SHEET

COUNTY OF SAN DIEGO
DEPARTMENT OF COMPLETION
2004 AUG -9 AM 11:48

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☐ Yes

☒ N/A

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Public Safety Group

Department of Media & Public Relations

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

619-531-6271

Phone

619-557-027

Fax

A-6

Mail Station

Janice.Graham@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

12

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

May 18, 2004 (5), July 13, 2004 (22), and August 10, 2004

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

RESPONSE TO 2003-2004 GRANT JURY REPORT**"SAN DIEGO COUNTY EMERGENCY OPERATIONS CENTER: SEEKING BETTER COMMUNICATIONS"****SECTION: IMPROVING & ENHANCING COMMUNICATION FROM AGENCIES INTO EMERGENCY OPERATIONS CENTER****FINDINGS:**

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3. Getting fire intelligence into the EOC would not have happened instantaneously by having the elected Fire and Rescue Coordinator sitting at the EOC table. Protocols and guidelines for governing working relationships and communications linkages among fire agencies are not established and need to be before this type of situation reoccurs.

Agree

4. The CDF and USFS San Diego County Fire Siege report contains two recommendations for fire agency representation and preparation that we believe can solve these problems.

Disagree in Part. While the first of the two recommendations referenced has been implemented by the County, the second recommendation requires further study and consideration of any alternatives.

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04-08-1: Ensure that the Office of Emergency Services initiates necessary action for implementation of the two recommendations we have endorsed from the CDF and USFS *The 2003 San Diego County Fire Siege Fire Safety Review Report.*

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SECTION: OFFICE OF EMERGENCY SERVICES OBLIGATION TO WARN THE PUBLIC OF IMMINENT DANGER

FINDINGS:

1. Officials made an informed decision not to activate the EAS because of its limited capacity for information and time constraints for changing messages. Without the ability to give more precise information, people might have actually evacuated into the path of danger rather than escaping to safety.

Agree

2. The most important lesson learned from the 2003 Firestorm is how our dedicated public safety, fire, rescue and medical personnel, who faced unimaginable challenges during emergencies, need as many tools as possible so they can save lives and property.

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Lastly, if the privately-purchased emergency radio receiver achieves production, the County's Media and Public Affairs staff stand ready to perform a major education effort to inform the public of the device in order to encourage participation.

SECTION: OBLIGATION TO KEEP THE PUBLIC INFORMED AND UPDATED ABOUT EMERGENCIES

FINDINGS:

1. There were few internal mechanisms in place for the Emergency Operations Center to gather and disseminate current and accurate information to the public.

Agree. As stated in the Lessons Learned section of the County's After Action Report, the importance of providing timely and accurate information to the public was underscored during the activation. Additional methods and systems to rapidly notify the public need to be identified and implemented where feasible. Actions towards this end are actively being

pursued. As discussed in response to recommendation 04-08-01 OES has trained in excess of 40 Probation and RACES staff to act as OES field representatives whose purpose is provide real-time information from the field to the EOC. In addition, the response to recommendations 04-08-03 and 04-08-04 speak to the various actions being taken to ensure adequate and timely information is provided to the public

2. A consistent recommendation that we heard from reports and interviews with media was one for the formation of a Joint Information Center adjacent to the County's Emergency Operations Center.

Disagree. The EOC has a media room that was open to the press anytime they wanted to use it. In fact, all media were issued specific invitations to the EOC media room where news conferences were held, and that room was open to them for as long as they wanted to stay. Some stayed as long as one hour after the news conference, but most of the time, the room was empty. All of the County's news conferences were attended by all local major media and all wrote or aired stories on the news conferences. It appeared that most media staff moved from location to location throughout the day, covering various fire-related stories. Since the existing EOC media room was used so infrequently, it would appear that even fewer media staff would have used an additional information center adjacent to the EOC.

RECOMMENDATIONS:

04-08-5: Direct County Emergency Officials to develop a Media Communications Operation Plan with consultation and concurrence of all stakeholders, agencies and organizations that are put into action when the Emergency Operations Center is activated.

This recommendation is in the process of being implemented. The County Department of Media and Public Relations is in the process of finishing their emergency plan, which includes coordination with other County PIO's and with PIO's from outside agencies including law enforcement, fire protection, hospitals and other state, federal and local governmental entities. These groups also meet periodically and share phone numbers, emergency plans and lessons learned from regional emergencies. The DMPR Emergency Communications Plan will be completed before Oct. 31.

04-08-6: Investigate, plan and implement the development of a Joint Information Center adjacent to the EOC operation where media representatives can assemble to receive and transmit information during emergencies.

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04-08-7: Investigate and implement the development of a centralized public information telephone program where the public can call to receive accurate, complete and timely information from trained volunteers.

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Report Title: Touch-Screen Voting

Due Date: 08/30/04

Report #: 04-9

Responding Agency:

San Diego County Board of Supervisors



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

22

DATE: July 13, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5), your Board approved responses to two of these reports (Conditions & Management of Detention Facilities in San Diego County and Is There a Need For a Regional Fire Authority & Rescue Helicopter in San Diego County?).

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in three of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. The attachments to this letter address the following reports:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury has released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5), your Board approved responses to two of these reports. Three additional report responses are included in this request. Proposed responses for the remaining five reports will be before the Board on August 10, 2004.

The Grand Jury report responses attached to this Board Letter include:

- Mental Health Services in the County Jails and Impact of the Connections Program
- Public Administrator/Public Guardian: Time To Professionalize?
- Touch Screen Voting: The Future or Failure?

This is a request for your Board to approve the attached Finding and Recommendation responses to these three reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☒ N/A

☐ Yes

☒ No

GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

CHIEF TECHNOLOGY OFFICER

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s):

Community Services Group
Health and Human Services Agency
Public Safety Group

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

(619) 531-6271

Phone

(619) 595-4060

Fax

A-6

Mail Station

Janice.graham@sdcounty.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

81-01-W-1002 AM 10:18

COUNTY OF SAN DIEGO
CLERK OF SUPERIOR COURT

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

Board Policy A-43, Response to Grand Jury Interim Reports

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

ATTACHMENT A

**COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT:
"MENTAL HEALTH SERVICES IN THE COUNTY JAILS AND IMPACT OF
THE CONNECTIONS PROGRAM"**

Issued April 27, 2004

TREATMENT PROGRAM

Finding 1: The coordinated treatment effort enhances the ability of staff to coordinate clinical and supervisory functions that results in consistent behavior management practices that support patient safety and well-being.

County Response: Agree

Finding 2: Although psychiatric treatment together with drug and alcohol counseling provide some help, these patients have complex problems that require treatment by clinicians who have special knowledge about dual diagnosis management.

County Response: Agree

Finding 3: Treatment program enhancement opportunities are limited.

County Response: Agree

Finding 4: Some patients are able to earn GED credits toward a high school equivalency certificate. Through other classes, some patients are able to address issues involving substance abuse and domestic violence.

County Response: Agree

Finding 5: Vulnerable populations have the need for assistance in securing continuing mental health services upon release. They need case management support and close collaboration with health and human services organizations in order to facilitate patient access to ongoing treatment.

County Response: Agree

Recommendation 04-03-1: Build case management services into contracts with all community-based organizations that serve released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. The County's Mental Health Services program provides mental health case management services in accordance with State law, and to the extent that resources are available. Currently, there are case management programs that serve this and other target

populations, including Telecare, REACH, and the County's case management program. It should be noted that participation in case management services is voluntary once an offender is released from the criminal justice system.

Recommendation 04-03-2: Ensure that reliable and consistent drug and alcohol counseling services are included in the Sheriff's mental health programs with a focus on specialized dual diagnosis treatment.

County Response: Concur with that part of the response from the Sheriff which states: "This recommendation requires further analysis. The Department recognizes the importance of reliable and consistent drug and alcohol counseling services and the extent of persons with co-occurring disorders in the criminal justice system and the jails. In October 2003, the Department successfully competed for a 3-year U.S. Department of Education grant for life skills education that provides in-custody educational interventions for persons with substance abuse, domestic violence, and parent-child problems.

In addition, many of the persons enrolled in this program have co-occurring disorders. This program is provided with a coalition of community-based organizations through the Inmate Services Division under the direction of the Detentions chief mental health clinician who is also the project director.

Additionally, there are Alcoholics Anonymous and Narcotics Anonymous and Dual Recovery Anonymous groups available throughout the jail system. As a State of California requirement for licensure, the mental health clinicians receive continuing education for such disorders. The in-patient programs at Las Colinas and San Diego Central Jail include such program offerings in the in-patient program.

The Department is mindful of the extent of this population in custody and is investigating the feasibility of additional treatment options and specialty staffing, such as a therapeutic community program. Given the current state of the budget, these opportunities will need to be sought by private or grant funding in the foreseeable future and it is our intention to do so."

It is anticipated that this additional analysis will be completed within six months.

Recommendation 04-03-3: Enhance collaborative efforts with community-based organizations and with the local office of the Social Security Administration to facilitate access to services and benefits for released mentally ill offenders.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff's Department is committed to developing and maintaining effective relationships with all agencies and organizations that can facilitate the successful return of citizens in its custody to the community.

Our Inmate Services Division staff provide pre-release interventions in collaboration with community-based agencies in several jails; however, several of these programs are currently being curtailed or eliminated altogether due to the current budget cuts in the County. The division staff will continue to focus efforts on pre-release planning and referrals and look for opportunities to expand such collaborations.

Staff from the Detentions mental health clinicians group has initiated an aggressive fact-finding and outreach effort to each of the Social Security Offices in San Diego County in order to develop effective transitions and referrals for persons eligible for such benefits. This project began in March of 2004 and will be on-going, with the goal of establishing Memorandums of Agreement with all SSI offices in San Diego County to enhance the development of timely financial supports to qualified persons.”

TRAINING

Finding 1: As a result of cross training, there has been improved understanding of mental health issues by correctional staff, as well as more effective communication between correctional and clinical staff.

County Response: Agree

Finding 2: The safety and welfare of patients is enhanced through cross training.

County Response: Agree

Recommendation 04-03-4: Expand cross training to develop greater understanding of special needs of released mentally ill offenders by opening training sessions to probation officers and workers in the public mental health community.

County Response: This recommendation will not be implemented because it is not warranted. The County’s Mental Health Services staff currently provides substantial training to law enforcement agencies that interact with released mentally ill offenders, including the San Diego Police Department, the Psychiatric Emergency Response Team (PERT), the State Department of Corrections Parole Office, the Sheriff’s Department, and the Probation Department. We will continue to explore opportunities to collaborate with organizations on special training needs as funding allows.

BUDGET

Finding 1: Jail staff is working to overcome the budget cuts to maintain quality mental health services in the jails.

County Response: Agree

Finding 2: Long-term plans are needed for additional funding of mental health services in the jails to maintain the current level of care.

County Response: Agree

Recommendation 04-03-5: Work to enhance community understanding of the benefits of effective mental health services in the county jail system in order to generate public and private support.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Department agrees that we share a responsibility to educate the community about the importance of providing effective mental health services in the county jail system. We are actively involved in several community forums, e.g. Psychiatry and the Law Society, Mental Health Advisory Board, LPS Providers monthly meeting, North County Mental Health Providers meeting, and will continue our involvement there.

In addition, we are frequently in contact with the local office of the National Alliance for the Mentally Ill (NAMI) to facilitate advocacy and treatment for family members in custody as well as county and community-based provider organizations. We have, and will continue to be involved in educational forums and meetings and have and will continue to accept speaking engagements to enhance community understanding of the benefits of the care we provide and seek additional support. We regularly participate or give presentations at professional conferences such as the Meeting of the Minds and the Mental Health Recognition dinner and will continue to do so as the opportunity arises. In addition, the Department's Detentions chief mental health clinician is being honored by the San Diego Psychiatric Society this year as the recipient of the Mental Health Awareness award, which reflects our increasing presence in and recognition by the local mental health community."

Recommendation 04-03-6: Develop long term plans to ensure funding for mental health services in the county jail system.

County Response: Concur with that part of the response from the Sheriff, which states: "The recommendation has not yet been implemented, but will be implemented in the future.

Like all other regions of the United States, San Diego's jails have become the de-facto mental health provider of last resort, and increasingly, the initial provider of mental health care for persons who don't have access to mental health care until after they are incarcerated.

The Medical and the Inmate Services Divisions of the Detentions Bureau are in the process of developing a strategic plan for the provision of services for mentally ill inmates and persons with co-occurring disorders.

Sheriff's Medical Services are working with HHSA to consider how to better utilize resources for economy and also the development of additional revenue streams where possible. One such area under consideration is the appropriate use of coupons and other discounts for drug purchases to reduce the net cost for pharmaceuticals in the treatment of patients in this population."

It is anticipated that the strategic plan discussed above will be completed during Fiscal Year 2004-05.

Recommendation 04-03-7: Develop and strengthen the working partnerships among Health & Human Services Resource Development Division, Sheriff's Health Services, and Probation Department. This partnership would work on coordinated grant requests so that mental health services grant revenues can be increased.

County Response: Concur with the response from the Sheriff, which states: "The recommendation has been implemented. The Sheriff is committed to developing and strengthening such partnerships and through its Inmate Services and Medical Services Divisions, has initiated collaborative meetings to pursue additional grant opportunities. We will continue to seek opportunities for collaboration and increased service capacity.

At the time of this writing, the Sheriff's Department, as the lead agency, has initiated a SAMSHA grant application in partnership with HHSA, the Probation Department, and a coalition of community based organizations. The proposed program specifically addresses transitional case management initiatives for inmates with co-occurring disorders such as those successfully utilized in the Connections Program."

MEDICATION

Finding 1: The county jail health system currently has no other cost effective medication purchasing options.

County Response: Agree

Recommendation 04-03-8: Explore drug purchasing alternatives including those utilized by other states and public agencies to identify potential cost-savings.

County Response: This recommendation has been implemented. As described in the Sheriff's response to this recommendation, staff in the Sheriff's Department and Health and Human Services Agency are working together as members of the County Pharmacy and Therapeutics Committee to consider cost-saving measures and mitigate pharmaceutical costs where practical.

CONNECTIONS PROGRAM

Finding 1: The San Diego County Sheriff's Department has been recognized by the California Board of Corrections as having one of the most successful transition programs and has demonstrated the best outcomes in the state.

County Response: Agree

Finding 2: Without this type of individualized assistance from trained professionals mentally ill offenders do not consistently or automatically receive treatment or help from County mental health service agencies when they are released from jail.

County Response: Agree

Finding 3: When released from jail mentally ill offenders do not necessarily receive assistance, referrals or monitoring for their substance abuse problems.

County Response: Agree

Recommendation 04-03-9: Implement a training initiative for probation officers and workers in the public mental health and community agencies in order to enhance their understanding of special needs and concerns of released mentally ill offenders.

County Response: This recommendation will not be implemented because it is not warranted. Such training currently takes place. We will continue to explore opportunities to expand this training as staffing and funding levels permit.

ATTACHMENT B

COUNTY OF SAN DIEGO RESPONSES TO 2003-2004 GRAND JURY REPORT: "PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN: TIME TO PROFESSIONALIZE?"

Issued May 19, 2004

Findings:

1. We found that instead of utilizing professional assessments to develop evaluations and the scope of work to be done, the PA/PG Property Manager relied on and utilized informal working relationships with contractors as if they were direct employees.

Disagree. All independent contractors utilized by the (Public Administrator/Public Guardian) PA/PG's office are professionals in their specific disciplines. Independent contractors utilized by the PA/PG's Office have formal service contracts. These contracts have specific insurance and bonding requirements that have been approved by the Office of County Counsel. The scope of all work to be performed by independent contractors is reviewed and verified in detail by the Estate Property Manager.

2. Because of the informal working relationship between the PA/PG Property Management officials and the contract handyman, we were unable to determine with any specificity either the scope of work or the quality of work that was done at the real property.

Disagree in part. The scope of work for the estate property featured in the Grand Jury's review was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and independent contractor. The independent contractor performed all repair work pursuant to a fully executed service contract with the PA/PG's Office. The Estate Property Manager performed a site visit after the work was completed to ensure the repairs were done in a satisfactory manner. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized forms which clearly illustrate the specific scope of work assigned to contractors and checklists to document the Estate Property Manager's review and verification of work performed.

3. Oversight and verification of work performed by the handyman at the property was minimal. This prevented verification of what precise work was done to respond to specific problems that needed repair before tenant occupancy.

Disagree in part. The scope of work for repairs at the property was developed during a walk-through assessment attended by the Estate Property Manager, PA/PG's Rental Agent and contract handyman. The Estate Property Manager also

performed a site visit after the work was completed to verify the precise work that was done. All repairs were completed to the satisfaction of the Estate Property Manager and met housing code requirements. In an effort to improve internal documentation to memorialize these activities, the PA/PG's office now uses standardized checklists to document the Estate Property Manager's review and verification of work performed.

4. The predominant focus of PA/PG Property Management was not on "what needed to be done" but on "what minimum needed to be done" to get the desired rent and to make the property "tenable."

Disagree. The predominant focus of the PA/PG's office was the preservation of and safeguarding of estate assets. A conservator must "consider several factors, such as terms of the will (if known), age, life expectancy, size of estate" (California Conservatorships and Guardianships Sec. 12.57) "A conservator's duty falls somewhere between a trustee's and an executor's.....A conservator or guardian is not specifically charged, as he or she would be in a trust, with protecting the remainderman's interest." Thus, as conservator, the Public Guardian must balance many factors, always keeping in mind that the conservatee must have his or her needs met. So while the PA/PG's office had to be aware of the conservatee's estate plan and attempt to maintain the ratios he hoped to leave upon his death, the reductions of costs and production of income certainly was a key factor in providing for the conservatee in his lifetime. The needs of the conservatee took precedence then over needs of the heirs in any balancing test.

5. In 2003 the tenant reported problems in the house that revealed extensive water and mold damage throughout the house. Yet only two minor expenditures were made in 2001 and 2003 to repair the roof.

Agree. According to the Grand Jury's review, the tenant reported problems to the private administrator of the decedent estate regarding water and mold damage at the time of her eviction, which occurred several months after the PA/PG's office ceased involvement in managing this estate asset. Records indicate that while the Public Guardian acted as conservator of the estate, the PA/PG's Rental Agent responded to both of the complaints submitted by the tenant and that repairs were made in a timely manner. Therefore, any extensive water and mold damage found should be attributed to the tenant's negligence in her responsibility to report these issues to the PA/PG's Rental Agent and/or private administrator.

6. In addition to what ultimately became \$13,000 in lost rental revenue, the contract rental agent and PA/PG Property Management officials did not assess \$35 late payment fees for the remaining 27 months that the tenant's rent was late.

Disagree in part. The PA/PG's Rental Agent collected 30½ out of the 33 months of rent owed while the estate was administered by the PA/PG's office and during the transition to the private administrator. The total deficit of rental payments was \$6,250 when the estate assets were marshaled by the private administrator. The discretionary late payments were not collected.

However, it should be noted that all financial transactions pertaining to this conservatorship estate were fully documented and reported to the Superior Court in the mandatory Accounting. Notice was sent to all parties and included with the notice was the Accounting and all pertinent schedules. The parties were also notified of the date and time of the hearings on the Accounting. At no time did anyone appear or object to the Accounting and as a result, a Court Order was issued. This Order later became a final judgment.

Finally, it is important to note that the long period of alleged rental deficit occurred during the probate administration, not the conservatorship. A Probate Administrator's duties begin when they are issued letters of administration. A conservator's authority terminates upon the death of a conservatee except for safeguarding assets until delivery to the successor.

7. There was no written procedures in place to guide the decision-making and actions by PA/PG staff and especially by their contract rental agent when there is prolonged non-payment of rent.

Agree. Written procedures have since been developed and implemented to better guide decision-making and actions by PA/PG staff and the PA/PG's Rental Agent when there is a prolonged non-payment of rent. A monthly report is also submitted by the PA/PG's Rental Agent to the Estate Property Manager and PA/PG summarizing the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

8. There appeared to be more concern about the work that would need to be done and the cost if the tenant vacated the property than on the department's obligation to protect and enhance the largest asset of the estate.

Disagree in part. The PA/PG does not have a statutory obligation to enhance estate assets. As many estates do not have assets outside of real property, any "enhancement" would necessitate the expenditure of County general fund dollars for the benefit of private estates, which would be an unacceptable use of taxpayer dollars.

Properties that can be made tenable like the one reviewed by the Grand Jury are rented out to earn income for the estate and reduce costs associated with insurance. The cost of insuring an unoccupied residence is generally higher,

therefore renting out a property like this one is fiscally prudent. The cost of insuring this specific property, while occupied, was \$775 a year. Had it been unoccupied, the estate would have been assessed \$5,994 for insurance each year and lost \$2,500 in rental income each month (\$30,000 annually).

It must again be emphasized that the best interest of the conservatee would necessitate reduced costs and expenses and an increase in income stream in order to provide for his or her daily needs.

9. The PA/PG has not instituted sufficient safeguards and reporting mechanisms for their monitoring and evaluation of performance of the rental agent.

Disagree in part. The PA/PG's Rental Agent generally meets with the Estate Property Manager once each week. These frequent and regular meetings have enabled PA/PG representatives to closely monitor and evaluate the Rental Agent's performance. In addition to continuing the regularly scheduled meetings, the Rental Agent's contract with the PA/PG's office now requires (1) A written property assessment for each handled property; (2) A written plan to address any property defects to make the property tenable; (3) Completion of tenant checklists; and (4) Regular safety and maintenance reviews for occupied properties. These documents are also reviewed by the Public Administrator/Public Guardian (Director) allowing for an additional level of oversight for property management activities.

10. It does not appear that the PA/PG Property Management Division has a goal to "seek to know and respond to" problems; instead they appeared to do and spend as little as possible on problems.

Disagree. The Estate Property Manager, under general direction of the PA/PG, is charged with evaluating, managing renovating and selling real property. The position also oversees all aspects of marshalling, securing, distributing and liquidating personal property from estates. The incumbent is dedicated to knowing, understanding and working through problems associated with the real and personal property from the 700-900 estates administered by the PA/PG's office at any given time.

11. There are no formal mechanisms or policies that require notices about significant events or changes in tenants or vendors to be sent from PA/PG Property Division to the case managers so that timely and appropriate business decisions or actions can be taken by them.

Disagree in part. The Estate Property Manager makes personal contact with Case Managers when significant events occur on real property assets. Moreover,

in late 2003, the PA/PG began holding monthly Real Property Roundtable meetings with the Estate Property Manager and Case Managers to discuss the status of all real property and review policies and procedures for managing real property estate assets. Revised policies and procedures now require that significant events or changes in tenants or vendors be memorialized in writing and in the "Events Screen" of the PA/PG's automated case management system.

12. There are not joint authorization requirements or procedures in effect in PA/PG so that there can be joint accountability for expenditures related to property management projects and expenses.

Disagree. Joint authorization for expenditures related to property management projects and expenses does in fact occur in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The check is signed by this employee and forwarded to the PA/PG's Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded to the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

It is also important to note that a Property Plan meeting is held with the Estate Property Manager and Case Manager directly after the PA/PG is appointed as conservator or administrator of an estate with real property assets. During this meeting, the scope of required repairs is discussed as well as the budget required to complete the repairs. This is necessary, especially in the case of conservatorship estates, because the primary responsibility of the conservator is the month-to-month care payments for the conservatee. No amount can or would be spent on property maintenance or repairs that would in turn jeopardize the conservatee's personal care needs.

13. PA/PG Policies and Procedures direct officials to protect and preserve the assets of a Conservatee's estate until it is transferred to a private administrator. They do not specify when the transfer should occur or the specific steps that should be followed in order to execute it.

Agree. Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A more specific procedure, including a timeline, would be impossible to dictate given the

requirement of the private administrator to collect the income and assets upon appointment. In the case reviewed by the Grand Jury, the private administrator was fully aware the real property asset was rented but made no effort to contact the PA/PG's Rental Agent to have the rent receipts transferred to the decedent estate. The Case Manager was also in contact with the private administrator on three separate occasions with requests for him to pick up the estate's personal property stored in the PA/PG's warehouse. The private administrator's failure to marshal these assets after a several month period necessitated the Case Manager to contact the heirs of the estate directly.

14. Had there been a formal transfer of responsibility and full disclosure regarding the status of tenancy, terms of the rental agreement, proper designation of the security deposit transfer and condition of the property on December 23, 2002, the course of events over the following months until distribution of property in August could have been different.

Disagree in part. A formal transfer of responsibility in this case was in fact attempted by the PA/PG's office, however, the private administrator's unresponsiveness prevented a timely transfer to occur. Within two weeks of the death of the conservatee, the PA/PG's office provided the private administrator with information regarding the real property asset, including insurance, status of tenancy and terms of the rental agreement. Even though the private administrator was fully aware the property was rented, he made no effort to contact the Rental Agent and have rent payments transferred to the decedent estate. As noted above, the Case Manager also made personal contact with the private administrator on three separate occasions with requests for him to pick up the personal property stored in the PA/PG's warehouse. These requests to marshal the estate's assets were also ignored for several months requiring the Case Manager to contact the heirs of the estate directly.

15. Our investigation and case study illustrates the need to make comprehensive revisions and additions to the PA/PG Policies and Procedures Manual.

Agree. The PA/PG Policy and Procedure Manual has been undergoing a comprehensive review and revision to reflect recent changes in State Legislation and Local Court Rules, rulings made by new Probate Judges and recommendations from the HHSA Compliance Officer. The revised PA/PG's Policy and Procedure Manual is scheduled for completion by August 2004.

Recommendations:

- 04-06-1 Enact and implement policies and procedures that require the procurement and utilization of independent professional assessments and evaluations regarding the condition of real property including roofs, plumbing, structural integrity and overall maintenance whenever possible when initially entrusted to the care of the PA/PG.**

This recommendation will not be implemented.

As a fiduciary, the PA/PG is charged with marshaling and safeguarding property. In this role, the PA/PG is also required to exercise prudence in the expenditure of estate funds, which does not extend to independent, professional assessments on real property assets. The independent contractors currently retained by the PA/PG are qualified to evaluate properties and complete recommended repairs in order to make the properties tenable and satisfy housing code guidelines.

- 04-06-2 Enact and implement policies and procedures that require the development of a clearly defined scope of work to be performed on real property projects over \$500, prior to the solicitation of bids from authorized providers.**

This recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires that all real property repair projects over \$500 have a clearly defined scope of work.

- 04-06-3 Enact and implement policies and procedures that require accountability and verification of work performed under service contracts on real property entrusted to the PA/PG.**

The recommendation has been implemented.

Revised PA/PG Policy and Procedure Section 3.3 requires the PA/PG Rental Agent to submit recommendations for repairs on a standardized California Association of Realtors form entitled "Statement of Condition." The policy also requires the following:

- (1) The Estate Property Manager and assigned Case Manager review and approve all planned repairs and associated costs for real property improvements;
- (2) The Estate Property Manager personally review major repair work performed by contractors;

- (3) The Estate Property Manager and assigned Case Manager review and approve all invoices associated with work performed under service contracts on real property managed by the PA/PG's office.

04-06-4 Enact and implement policies and procedures that require adherence to Property Management standards of practice for the maintenance of property, for the collection of rents and for evicting tenants for non-payment of rent.

This recommendation will not be implemented as current policies and procedures address these issues.

It is the policy of the PA/PG's office to manage property in such a way as to maximize both the security and the estate value of the properties. PA/PG Policy and Procedure Manual Section 3.3 details the responsibilities of the Estate Property Manager to adhere to property management standards of practice. Industry standards are used for the collection of rent and eviction of tenants for non-payment of rent when such action is not detrimental to the estate.

04-06-5 Enact and implement policies and procedures that reinforce the importance of protecting, preserving and enhancing the assets of estates.

This recommendation will not be implemented as current policies and procedures address these issues.

PA/PG policies and procedures have historically and consistently reinforced the importance of marshalling, protecting and preserving the \$40-\$50 million of assets under the care of the PA/PG's office. These assets include real and personal property, business interests, cash, stocks, bonds, mutual funds, annuities and insurance policies. In addition, monthly in-service trainings and Real Property Roundtable meetings, which have been in effect since 2003, provide opportunities for Property and Case Management Division representatives to regularly review policy and procedures concerning the management of estate assets. These regular meetings also provide a forum to discuss the status of real and personal property assets of individual estates.

04-06-6 Ensure that PA/PG contracts with the rental agent includes requirements for, at a minimum, quarterly inspections and the submission of regular reports regarding the maintenance conditions of properties the contractor is responsible for.

This recommendation has been implemented.

The PA/PG's revised Rental Agent Contract includes requirements for quarterly inspections and submission of reports on maintenance conditions for each property that he/she has been contracted to manage. Standardized forms offered

by the California Association of Realtors are now utilized for quarterly inspections and reports. All reports are reviewed the Estate Property Manager and Director.

- 04-06-7 Enact and implement policies and procedures that require monthly reports regarding rental income and other reports that would enable oversight and the evaluation of the information in the reports by PA/PG Management.**

This recommendation has been implemented.

The revised PA/PG Policy and Procedure Manual Section 3.3 requires the PA/PG Rental Agent to submit a monthly report to the Estate Property Manager and Director which summarizes the status of rental payment receipts and any outstanding issues concerning late payments and payment in arrears.

- 04-06-8 Enact and implement policies and procedures that establish and require formal notice and communication mechanisms between PA/PG Property Management and Case Management Divisions regarding key events and transactions related to property entrusted to the department.**

This recommendation will not be implemented as current policies and procedures address these issues.

Key events and transactions related to property entrusted to the department have historically and consistently been communicated by e-mail exchanges, documentation in case files, meetings between the Estate Property Manager and Case Manager and discussions at monthly Real Property Roundtable meetings which are chaired by the PA/PG. In addition, Real Property issues have been included as a standing item at weekly PA/PG Management Team meetings, which are also chaired by the PA/PG. As with all estate administration activities, key events and transactions related to real property entrusted to the department are memorialized in the "Events Screen" of the PA/PG's automated case management system.

- 04-06-9 Enact and implement policies and procedures that establish requirements for joint authorizations between Property Management and Case Management Divisions for expenditures related to property management projects and expenses.**

This recommendation will not be implemented as current policies and procedures address these issues.

Joint authorization for expenditures related to property management projects and expenses has historically and consistently been required in the PA/PG's office. The Estate Property Manager authorizes expenditures for property maintenance and repairs. The chit is signed by this employee and forwarded to the PA/PG's

Accounts Payable Clerk. Prior to processing this payment, the Case Manager reviews and approves the check request. If the Case Manager is not immediately available, the check requests are forwarded the Case Manager's supervisor. This process ensures joint accountability for all expenditures related to property management projects and expenses.

- 04-06-10 Enact and implement policies and procedures that establish clarity in responsibility, time-lines, protocols and other necessary details related to the proper transfer of Conservatee estates to private sector administrators.**

This recommendation has been implemented.

Probate Code §2467(a) (Care of estate pending delivery to personal representative) states: "The guardian or conservator continues to have the duty of custody and conservation of the estate after the death of the ward or conservatee pending the delivery thereof to the personal representative of the ward's or conservatee's estate or other disposition according to law."

Existing PA/PG Policy and Procedure Section 6.13 (Death of the Conservatee) reinforced the statutory requirements of Probate Code §2467. A revision was added for the assigned Case Manager to advise the Public Administrator/Public Guardian when private sector administrators, heirs or beneficiaries do not respond timely to requests for instruction concerning the collection of the conservatee's estate assets so that additional measures can be taken personally by the Director with the private administrator and/or Superior Court officials.

- 04-06-11 Evaluate and make appropriate revisions and additions to the PA/PG Policies and Procedures Manual.**

The recommendation will not be implemented.

A comprehensive review and revision of the PA/PG Policy and Procedure Manual has been underway for several months. The revisions reflect recent changes in State Legislation, Local Court Rules, rulings made by new Probate Judges and recommendations from the HHSA Compliance Officer.

- 04-06-12 Implement a comprehensive training program for all department staff regarding their performance under the revised Policies and Procedures.**

The recommendation will not be implemented.

The department's ongoing monthly in-service training program has continuously featured updated policies and procedures concerning real and personal property asset management.

ATTACHMENT C

COUNTY OF SAN DIEGO RESPONSE TO 2003-2004 GRAND JURY REPORT: "TOUCH-SCREEN VOTING – THE FUTURE OR FAILURE?"

Issued May 27, 2004

FINDINGS

Finding 1: A number of voters were either completely or partially disenfranchised as a result of the late opening of some precincts.

County Response: Disagree in part. An undetermined number of voters were inconvenienced in varying degrees by the late opening of the polls. Poll workers reported that many voters, unable to vote in the morning, returned later in day.

Finding 2: The short time frame from approval-to-receipt-to-distribution-to-implementation of the new voting technology significantly impacted the implementation process.

County Response: Agree.

Finding 3: Outside activities such as lawsuits, media distraction, Secretary of State rulings often diverted attention and effort from the immediate task of implementing the new voting system.

County Response: Agree.

Finding 4: Recruiting of System Inspectors needs to be enhanced to do a better evaluation of their PC literacy and comfort with technology.

County Response: Agree.

Finding 5: The training and support materials for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The training and support materials addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the training and support materials lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 6: The classes for poll workers, troubleshooters, and troubleshooter supervisors were of generally poor quality.

County Response: Disagree in part. The classes addressed many of the issues that poll workers, troubleshooters and troubleshooter supervisors would need before, during, and after the election. However, the classes lacked the depth and detail to address some of the problems that occurred in the field on Election Day.

Finding 7: The way the ROV implemented the new voting system made it impossible to be “hacked” from the outside. There was no external access to the PCMs or touch-screens.

County Response: Agree.

Finding 8: The current method of insuring the security of the PCMs by sealing the case in which they are stored contributed to the battery discharge issue.

County Response: Agree.

Finding 9: The access security to the supervisor software on the touch-screens is unacceptable as currently implemented by the vendor.

County Response: Agree.

Finding 10: The design of the door securing the ballot memory card on the touch-screen unit requires breaking the door seal to turn on the machine. This means the ballot memory card is not secured by a seal during the Election Day.

County Response: Agree.

Finding 11: The lack of a voter verifiable paper trail makes it difficult to convince the public of the integrity of the new voting technology.

County Response: Disagree in Part. This is true for some members of the public; however, feedback from voters and poll workers indicated a very high level of confidence in the touchscreen voting system.

Finding 12: A voter verifiable paper trail would be a significant tool in auditing the results of electronic vote tabulation.

County Response: Disagree in Part. A voter verifiable paper trail *could* be one method of auditing the results, provided it is functional and reliable in a real election environment.

Finding 13: A voter verifiable paper trail could be a valuable tool in a recount of close elections.

County Response: Agree.

Finding 14: The timeframe of the March 2004 Primary Election did not allow for distributing appropriate paper ballots to each precinct.

County Response: Agree.

RECOMMENDATIONS

Recommendation 04-09-1: Require modification of the recruiting and selection process for poll workers to include an evaluation of the candidate's PC literacy and comfort level in dealing with electronic systems.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters is researching methods to best evaluate the ability of potential poll workers to use electronic equipment and plans to develop a survey/test to be completed prior to selection and assignment.

Recommendation 04-09-2: Require a review of the training materials, classes, and choice of instructors. Procedures and documentation should be modified or rewritten. Instructions for the resolution of the battery problem encountered in March should be added to the training and documentation. Consideration should also be given to having the materials and classes redone by professional trainers.

County Response: The recommendation is in the process of being implemented. The Registrar of Voters plans a complete overhaul of its training program, including the training materials, classes and instructors, in consultation with a training professional. Expanded troubleshooting guidance will be included in training materials.

Recommendation 04-09-3: Require a new method for securing the integrity of the Precinct Control Modules to allow them to be plugged in, charged, and inspected by the poll workers before the day of the election while maintaining the security of the equipment.

County Response: The recommendation is in the process of being implemented. If, and when, the PCM is deployed again, the Registrar of Voters will provide a means to test and charge the unit without compromising security.

Recommendation 04-09-4: Require the vendor to change the master access cards that are generic nationwide to cards that are at least specific to San Diego County if not individually unique. The vendor should also be requested to allow the passwords associated with the master access cards to be chosen and generated locally by the Registrar of Voters.

County Response: The recommendation has been implemented. The vendor's newest TSx firmware (4.4.5) and GEMS integrated system software (1.18.19) has been federally qualified (NASED number 1-06-12-22-001). It includes enhancements that will allow the master access cards to be specific for San Diego and for the passwords to be chosen and generated locally by the Registrar of Voters.

Recommendation 04-09-5: Require the vendor to modify the door securing the on/off switch and ballot memory card on the touch-screen machines so that the system can be turned on or off without breaking the seal on the memory card.

County Response: The recommendation requires further analysis. This recommendation would require a retrofit of the TSx voting units, which could have certification or warranty implications. We may be able to address the security concern in ways other than modifying the voting units. Analysis of this recommendation will be completed by November 27, 2004.

Recommendation 04-09-6: Require the vendor to design and implement a voter verifiable paper trail for each vote cast. The paper trail votes would be retained at the precinct, archived, and used only for random validation of electronic votes in selected precincts or in the case of a closely contested race requiring a recount. A paper trail is required by the Secretary of State for the 2006 elections.

County Response: The recommendation is in the process of being implemented. Diebold is contractually required to provide the County with a touchscreen system certified by the Secretary of State. Current state certification requirements for this system include an accessible voter verifiable paper trail.

Recommendation 04-09-7: Require that paper ballots be available at all polling places for voters to use at their option.

County Response: The recommendation has been implemented for the November 2004 Election. All polling locations will have paper optical scan ballots. When the touchscreens are deployed again, the accessible voter-verified paper trail, along with improved training of poll workers and other back-ups and safeguards in the system, should eliminate the need for paper ballots at the polls.

ORIGINAL



County of San Diego

RECEIVED

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

JUN 02 2004
SAN DIEGO
COUNTY GRAND JURY

May 27, 2004

Thomas E. McCarthy, Foreman
Grand Jury, County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92191-3830

Dear Mr. McCarthy:

Thank you for the opportunity to review the Grand Jury Report entitled: "Touch-Screen Voting the Future or Failure?"

I respectfully submit the following comments/ clarifications for your consideration:

Page 5. Touch-Screen Voting Equipment

Report: "Of the 10,000 touch-screens, there were fewer than fifty machines, less than one-half of one percent that had problems when they were powered on. No precinct had more than one malfunctioning touch-screen."

Clarification: The Registrar of Voters surveyed System Inspectors at the March election. Of the 1,611 polling places, 1,154 surveys were completed by the Systems Inspectors and returned. The surveys indicated there were 72 polling places that experienced a problem with a voting station tablet. An additional 25 indicated they experienced a problem not related to the tablet (e.g., printer, legs). There were 20 polling sites that reported a problem with more than one machine.

During the canvass, based on comments from the polls, we obtained a slightly different set of numbers:

- 245 precincts reported a problem with a DRE
- 280 DRE's were not used.
 - 66 were reported to have failed
 - 214 were not used; we don't know the reasons.

We will not have exact numbers until we de-process all of the equipment from the election, which we will begin doing shortly.

There were always sufficient machines available at each polling place to ensure continuation of voting.

Page 5 Precinct Control Module

Report: "The function of the PCM is to create a Ballot Access Card (BAC)."

Clarification: In Diebold's system, the ballot card is called a Voter Access Card (VAC).

Page 6 Precinct Control Module

Report: "In the case of the voter that went to another precinct to vote, they would be asked to cast a provisional ballot. By voting at a different precinct, it is very likely the voter would be partially disenfranchised."

Clarification: It is true that voters who went to another precinct to vote would have been asked to cast a "provisional ballot". By voting at a different precinct, it was possible (not necessarily "very likely") that the voter would have been given a ballot that was not identical to the one he/she would have voted at his/her own polls. In most cases the ballot would have been the same at a nearby polling place. In Oceanside, for instance, there were 65 precincts with the same ballot style. In Carlsbad, there were 62 precincts with the same ballot type; Chula Vista had 50; El Cajon had 45; La Mesa had 39; Santee had 35; Poway had 30; Nestor had 17; Coronado had 14, etc. There were 1,611 polling sites and only 159 different ballot types.

Page 7 Precinct Control Module

Report: "The number of provisional ballots can be determined, but..."

Clarification: It is true that the number of provisional ballots can be determined. However, it is not possible to know the number of voters who cast a provisional ballot at a polling place not their own as a result of a late opening of the polls.

Approximately 21,000 total provisional ballots were cast at the election. Some of these were because voters had moved and had not re-registered at the new address, for instance; others because they chose to vote at a polling place more convenient to them on election day (new law, which became effective this year, allows any voter to vote at any polling place); and yet others who voted at a polling place not their own because of late opening of the polls.

Page 7 Touch Screen Machines

Report: "Less than one-half of one percent of the units experienced any sort of problem." "There was never more than one failure at any polling place".

Clarification: See previous response on first page.

Page 7 Absentee/Paper Ballot Processing

Report: "A problem did occur with processing the absentee paper ballots. The problem was caused by a programming error in the software used to accumulate the votes as the...."

Clarification: The problem was caused by an application programming error in the contractor's GEMS software used to accumulate the votes as the..."

Page 10 Precinct Volunteer Selection

Report: "In the past, all four of the people at the a precinct were capable of performing all of the functions in the voting process."

Clarification: In the past, the ROV required two members of the Precinct Board, the Inspector and Assistant Inspector, to attend poll worker training. It was optional for other members to attend. It is not necessarily accurate that all four members would have been capable of performing all of the functions in the voting process.

Page 10 Precinct Volunteer Training

Report: "Although the contract provided for Diebold to create and conduct the training, the ROV opted to assume that responsibility."

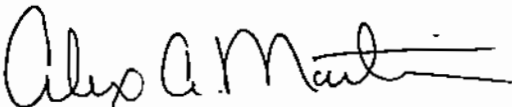
Clarification: The contract specified that training be provided by the contractor as follows: 1) provide IT staff with comprehensive IT training, which they did; 2) provide ROV staff with on-site, detailed training, which they did; and 3) provide training support in a "train the trainer" role for up to eight training teams used by the county. In addition, the contractor was to provide source documentation and operation manuals.

The County opted to conduct the "train the trainer" sessions, but Diebold did provide two technical staff at every Systems Inspector training sessions (not a requirement of the contract) who were available to answer questions and provide technical support to the trainers. Diebold also provided other materials and operation manuals, and Diebold staff reviewed the training materials developed by ROV before they were used.

If you have any questions, please feel free to contact Sally McPherson, Registrar of Voters, at 858-694-3401.

Again, thank you for the opportunity to review your report in advance of its release.

Respectfully,



ALEX A. MARTINEZ
Deputy Chief Administrative Officer
Community Services Group

Report Title: Failure of Handicapped Parking Regulations

Due Date: 09/07/04

Report # 04-10

Responding Agency:

San Diego City Council



THE CITY OF SAN DIEGO

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SEP 2 2004

RECEIVED

SEP 7 2004

SAN DIEGO
COUNTY GRAND JURY

September 2, 2004

Honorable John S. Einhorn
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

Dear Honorable Judge Einhorn:

Enclosed is the City of San Diego's response to the Grand Jury Report entitled, "The Failure of Handicapped Parking Regulation in the City of San Diego," dated May 20, 2004. This response was developed by my staff and the City Attorney, after an intensive review of the Grand Jury's recommendations.

The Grand Jury Report is viewed as a notification that the City needs to do a more effective job of enforcing disabled parking standards. The City accepts this notification and intends to take action to improve our disabled access enforcement programs.

This response has been submitted with the intent of meeting the concerns of the Grand Jury. The City of San Diego has and continues to make disabled access issues a priority, not because we are required to do so, but because it is the right thing to do.

If there is other information that you would like or other actions you would like us to consider, please feel free to contact me at (619) 236-5941.

Respectfully submitted,

P. Lamont Ewell
City Manager


by George I. Loveland
Assistant City Manager

- Enclosures:
1. City of San Diego Response to Grand Jury Report
 2. Appendix A - Accessibility Training Material
 3. Appendix B - History of Disabled Access Training
 4. Appendix C - Accessibility Check List Material

cc: Isam Hassenin, Chief Building Official
John Hemmerling, Deputy City Attorney
Marcia K. Samuels, Neighborhood Code Compliance Department Director
Claudia Silva, Deputy City Attorney
Linda Woodbury, Disability Services Coordinator



Office of the City Manager

202 C Street, MS 9A • San Diego, CA 92101-3869

Tel (619) 236-6363 Fax (619) 236-6067

The City of San Diego provides the following response in accordance with Penal Code Sections 933(c) and 933.05.

FINDINGS

Finding: *This Grand Jury finds that the Development Services Department has been giving low priority to enforcement of codes regarding the location of accessible parking for the handicapped.*

Response: The City of San Diego wholly disagrees with this finding. The City's Chief Building Official is a leading authority on disabled access issues and has written the authoritative reference book, The California Accessibility Standards Interpretive Manual. He is also a member of numerous committees that review regulations related to disabled access issues, including the California Building Standards Commission.

DSD has a long history of working on disabled access issues which are summarized in the appendixes:

- Appendix A lists the accessibility training materials that have been developed.
- Appendix B lists the trainings and seminars that have been presented to staff and the construction industry on access requirements.

Finding: *The procedures of both Plan Checkers and Inspectors need to be changed to provide them with the tools to do their job. This Jury further finds that training of Plan Checkers and Inspectors by the Development Services Department is inadequate.*

Response: The City of San Diego wholly disagrees with this finding. The Development Services Department provides numerous trainings on disabled access, as described in Appendix B. The Development Services Department will increase the opportunities for plan checkers and inspectors to attend disabled parking training. In addition, checklists have been developed and implemented to assist plan check staff in their review of plans for access compliance (see Appendix C). In an effort to promote access compliance in the design and construction communities, DSD intends to make these checklists available on the Department's web site.

Finding: *This Jury further finds that the attitude of the Neighborhood Code Compliance Department management does not well serve the citizens in the City of San Diego.*

Response: The City of San Diego wholly disagrees with this finding. It is not clear what testimony caused this perception. It is hoped that the responses and actions taken as a result of this report will move to reverse this perception.

NCCD management has assigned one building inspector specifically to enforce disabled access regulations, and she is certified through the International Code Council as an Accessibility Specialist. This is the only building inspector in the department to be uniquely assigned to one specific function. The Deputy Director in the chain of command of this building inspector is a Certified Building Official and also holds a Master's Degree in Speech Pathology and Audiology, which is a field exclusively directed towards persons with disabilities.

Finding: *Testimony suggested that management of Neighborhood Code Compliance is more interested in making excuses for the existing handicapped parking locations than in correcting them.*

Response: The City of San Diego wholly disagrees with this finding. NCCD management intended to provide a clear and concise explanation as to why the examples presented by the Grand Jury were or were not in compliance with applicable standards. The intent was to only provide accurate explanations of the considerations taken into account.

Finding: *The Jury further finds that Neighborhood Code Compliance management needs indoctrination as to the purpose of the Department.*

Response: The City of San Diego partially disagrees with this finding. The nature of this finding is unclear. Neighborhood Code Compliance agrees it is always a good management practice to periodically review the organization's overall mission, vision and purpose to realign resources and modify policies to best serve the public good, and will continue to engage in such periodic review.

RECOMMENDATIONS

Recommendation 04-10-1: *Direct the City Manager to reevaluate priorities of the Development Services Department and to assure enforcement of the Code as it applies to the location of handicapped parking.*

Response: This recommendation has been implemented. A meeting was held on July 1, 2004 with the Chief Building Official and the Inspection Supervisor of the Development Services Department, and the Deputy Director of the Housing and Code Enforcement Division of the Neighborhood Code Compliance Department to evaluate ways to improve disabled access code enforcement. Past practices were reviewed, future training for field and plan review staff was scheduled, and further outreach to the construction industry was discussed. The conclusion of this meeting was that the actions to be taken will result in the following ongoing efforts:

- Staff and the construction industry having heightened awareness of disabled parking issues and requirements,
- Staff being more knowledgeable about disabled access issues, and

- Staff being provided further training on disabled parking issues to reduce the reliance on an applicant architect's interpretation of the codes.

Recommendation 04-10-2: *Direct the City Manager to require Development Services Department to provide additional training for both Plan checkers and Inspectors regarding the requirements of the ADA and Code as they apply to the location of handicapped parking.*

Response: This recommendation has been implemented. This training was provided by the Chief Building Official on August 12, 2004 and August 31, 2004. Ongoing training sessions will occur on a regular basis.

Recommendation 04-10-3: *Direct the City Manager to require the management of the Neighborhood Code Compliance Department to review the purpose of the department and to provide training regarding the location of handicapped parking, at the highest levels, of the Neighborhood Code Compliance Department.*

Response: This recommendation has not yet been implemented, but will be implemented by October 1, 2004. All department supervisors, up to and including the Department Director, will review the department's purpose. The Department Management Team, as well as the field inspection staff, will attend the training on disabled parking requirements provided by the Chief Building Official of the Development Services Department.

APPENDIX A
Development Services Department
ACCESSIBILITY TRAINING MATERIALS

1. Title 24/ADA Disabled Access Update and Unique Topics.
2. Accessibility Provisions for Alterations in Existing Buildings.
3. Multi-Family Residential Disabled Access Requirements.
4. Accessibility Guide for Small Businesses.
5. Non-Residential Access Training for Inspection.
6. Accessibility Training for Project Managers.
7. Information Bulletin for "Accessible Parking Requirements."
8. Application for Unreasonable Hardship Exception to Disabled Access Requirements.

APPENDIX B
Development Services Department
HISTORY OF DISABLED ACCESS TRAINING

1. Accessibility Guide for Small Businesses.
Presented by: Isam Hasenin/Chief Building Official
Conducted: Feb 2003, May 2004
2. ADA/Title 24 Accessibility Provisions for Alterations/Remodels in Existing Buildings.
Presented by: Isam Hasenin/Chief Building Official
Conducted: 11/22/02, 6/20/03
3. ADA/Title 24 Disabled-Access Updates and Unique Topics.
Presented by: Isam Hasenin/Chief Building Official
Conducted: 3/23/02, 2/28/03
4. Code Update CBC 2001- Emphasis on Latest Accessibility Provisions.
Presented by: Isam Hasenin/Chief Building Official
Conducted: 9/27/02, 10/11/02, and 2/28/02
5. Multi-Family Residential Disabled Access Seminar.
Presented by: Isam Hasenin/Chief Building Official
Conducted: 12/13/02
6. Non-Residential Disabled Access Training for Inspectors
Presented by: Sasan Nakhshab, P.E.
Conducted: May 2004
7. Customer Information Seminars/Workshops for the following construction companies which included superintendents, architects, program managers and design engineers:

Neilsen-Dillingham	February 19, 2002
Roel Construction Co.	February 27, 2002
Wermers Construction Co	March 6, 2002
DPR Construction Co.	March 6, 2002
Begent Construction Co.	March 21, 2002
Sundt Construction Co	May 23, 2002
Southland Construction Co.	June 6, 2002
Taylor/Frager Construction Co.	July 24, 2002
The Port District	February 12, 2003
Roel Construction Co.	June 16, 2004
8. On-going training for staff at regular staff meeting -- at least monthly:

APPENDIX C
Development Services Department
ACCESSIBILITY CHECK LIST MATERIAL

1. Disabled Access Correction Sheet for Commercial Projects.
2. Disabled Access Correction Sheet for Covered Multi-Family Projects.
3. Disabled Access Correction Sheet for Existing Commercial Buildings.



Report Title: Forensic Services

Due Date: 09/08/04

Report #: 04-11

Responding Agency:

San Diego County Board of Supervisors

San Diego City Council



RECEIVED

JUL 8 2004

THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE
OUR REF. NO.

June 28, 2004

Honorable Wayne L. Peterson
Presiding Judge, Superior Court
Hall of Justice
P.O. Box 2724
San Diego, CA 92112-2720

RECEIVED
JUL 09 2004
SAN DIEGO
COUNTY GRAND JURY

Subject: Response to Grand Jury Report

Dear Judge Peterson:

This response to the report of the 2003-2004 San Diego County Grand Jury was developed after an intensive review of the Grand Jury's findings and recommendations. This response is to the report entitled "Cost Effective Forensic Services in San Diego County."

Grand Jury Findings:

1. The Grand Jury believes the Office of the Medical Examiner may be the facility to consider as the provider of toxicology testing for other county agencies. However, the existing Office of the Medical Examiner is not large enough nor is it equipped to handle such an increase in workload. A substantial financial investment would be required to establish this facility as a countywide provider of toxicology services.

RESPONSE: We agree with this finding.

2. It seems logical that county agencies requiring toxicology testing should collectively explore the feasibility of providing this service within the County.

RESPONSE: We agree with this finding.

3. Such a collaborative effort and earnest exploration of an in-county toxicology service provider may lead to a more cost-effective use of county resources and better serve the community.

RESPONSE: We agree with this finding.



Office of the Chief of Police

1401 Broadway • San Diego, CA 92101-5729

Tel (619) 531-2000

PAGE 2

Honorable Wayne L. Peterson

June 28, 2004

4. If a county toxicology department is not developed in the near future, the various agencies needing toxicology service should negotiate a master contract to potentially save time and money in negotiations and unit pricing.

RESPONSE: We agree partially with this finding. We agree that discussions should take place between the crime laboratories to explore the possibility of cost savings through a joint contract. A master contract should be pursued only if savings can be realized and the service is timely and meets the needs of both parties.

5. Crime laboratories constantly work with investigative and court imposed deadlines. Receiving evidentiary results in a timely manner is crucial to rapid crime solving.

RESPONSE: We agree with this finding.

Grand Jury Recommendations:

04-11-1: Evaluate the feasibility of consolidating the toxicology service requirements of all San Diego County agencies.

RESPONSE: This recommendation has been implemented, in that we have evaluated the feasibility. However, after discussions with the Medical Examiner's Office, we will not be moving toward an agreement to have them perform toxicology analysis for the City of San Diego on a fee for service basis. The Medical Examiner has indicated that they cannot provide the service for the same low cost we are currently paying our contract toxicology service provider.

04-11-2: Consider the possibility of using the Office of the Medical Examiner as the provider of toxicology services to the County and City of San Diego.

RESPONSE: This recommendation has been implemented, in that we have considered the possibility of using the Office of the Medical Examiner for toxicology services. They are the only public laboratory in San Diego County currently performing general toxicology analysis. We supplied the Medical Examiner with details of the number of cases we currently send out to our toxicology service provider, and the Medical Examiner's response was that they would not be able to provide toxicology at anywhere near the low cost we are currently paying for the service.

PAGE 3

Honorable Wayne L. Peterson

June 28, 2004

04-11-3: Evaluate the feasibility of developing and negotiating a master contract for toxicology services that cannot be performed in San Diego County.

RESPONSE: This recommendation is currently being implemented, in that we are researching the viability of a joint contract for toxicology services. We are determining whether we can achieve a savings by combining our caseloads. In order to finalize such a plan, the Police Department and Sheriff's Department will need to standardize our expectations for the service and how it is to be reported, including reaching agreement on standard testing panels and threshold levels. If our preliminary research with the toxicology service providers shows that a cost savings can be realized, we will enter into further discussions with the Sheriff's Crime Laboratory.

Sincerely,

A handwritten signature in black ink, appearing to read 'William M. Lansdowne', with a large, stylized loop at the beginning.

William M. Lansdowne
Chief of Police

RECEIVED



County of San Diego

AUG 17 2004
SAN DIEGO
COUNTY GRAND JURY

RECEIVED
AUG 13 2004

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 10, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to four reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- [REDACTED]
- Help! My Emotionally-Disturbed Child is Incarcerated, Now What?

The attached material was approved by the Board of Supervisors on August 10, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

7

DATE: August 10, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of these reports.

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in four of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. These responses address the following reports:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

ATTACHMENTS DISTRIBUTED TO EACH BOARD
MEMBER, CAO, COUNTY COUNSEL AND ON FILE
IN THE OFFICE OF THE CLERK OF THE BOARD)

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of the ten reports. Proposed responses to four of the remaining reports are included in this request. The final outstanding report response will be before your Board on August 17, 2004.

The Grand Jury report responses attached to this Board Letter include:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

This is a request for your Board to approve the attached Finding and Recommendation responses to these four reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CLERK OF SAN DIEGO COUNTY

CONCURRENCE(S)

2004 AUG -2 PM 12:41

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes
☐ Yes

V. F. [Signature]
☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes
☐ Yes

☒ N/A
☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Health and Human Services Agency
Public Safety Group *NO*

J. Shepard

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

619-531-6271

Phone

619-557-027

Fax

A-6

Mail Station

Janice.Graham@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

May 18, 2004 (5) and July 13, 2004 (22)

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

ATTACHMENT A: RESPONSE TO 2003-2004 GRAND JURY REPORT

"SHOULD HOT TEAMS BE EXPANDED AND FOR WHOM?"

FINDINGS:

1. With all these services being offered by various agencies, it is easy to understand that accessing these or even knowing of their availability would be difficult for anyone. This must certainly be true for the chronically homeless. These people are often isolated from the community's mainstream. According to the September 2002 Fact Sheet #3 by the National Coalition for Homeless, over 20-25% of the homeless suffer from severe mental illness.

Agree.

2. The chronically homeless population consumes a disproportionate amount of law enforcement and emergency medical treatment resources. This may be due to the reason for their homelessness not being adequately addressed. Having HOT teams seek out individuals one at a time and addressing their specific needs may lead to better and more appropriate use of limited resources.

Agree.

3. The Homeless Outreach Teams' multi-disciplinary make-up allows for comprehensive field assessments. With two or three disciplines (social services, medical, and safety) addressing an individual's need it is more likely that a break in the cycle of homelessness will occur.

Agree.

4. Because of budgetary constraints, the teams now operate with only two professionals on a team in order to make-up more teams and reach more homeless people. With an increase in staff, they would, once again be able to operate more effectively as they originally did with all three professionals on a team and perhaps expand to serve youth.

Partially disagree. While it is correct that budgetary constraints limit the number of Homeless Outreach Teams, cost effectiveness is the primary factor in determining the number of professional staff in each team. Homeless Outreach Teams are primarily designed to link people to services. Mental health professionals are added to the team as situations warrant.

5. The Homeless Outreach Teams only cover the downtown and beach areas. The juvenile homeless in our county do not routinely stay within these areas. They tend to be more visible at night and are found in Hillcrest and under

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

freeway ramps along Interstate 5.

Agree.

6. For the calendar year 2003, the Homeless Outreach Teams contacted over 1,000 chronically homeless people. For the month of January 2004, they contacted over 200 chronically homeless people. Having an outreach team to locate and serve these 1,200 people frees up valuable time and resources from other law enforcement units in our downtown area.

Agree.

7. Eight shelter beds are designated to Homeless Outreach Team clients. With the number of contacts and placements made by these teams last year, this small amount of shelter space is insufficient to meet their needs.

Agree.

8. The Homeless Outreach Team program is a successful collaborative effort by the city and county to address the downtown homeless population. There is a need to expand and enhance this outreach to the homeless juveniles of our county. Early intervention and early identification of their reason for being on the street may prevent them from becoming chronically homeless adults.

Partially disagree. While the Homeless Outreach Team program is a highly successful collaborative effort by the city and county to address the needs of the chronically homeless, Homeless Outreach Teams, as they exist today, may not be the most effective strategy to approach and deal with homeless juveniles. On January 20, 2004 and June 22, 2004, the City of San Diego and the Board of Supervisors respectively approved resolutions supporting the development of a 10-Year Plan to End Chronic Homelessness as part of a national initiative that encourages cities and counties to develop strategic plans to address this issue. Outreach strategies for homeless juveniles will be addressed in the development of the plan.

RECOMMENDATIONS:

04-07-1: Continue collaborative efforts between the County and City of San Diego to support the Homeless Outreach Teams.

This recommendation will not be implemented because these efforts are already underway. The County's Health and Human Services Agency intends to continue its collaborative efforts in Fiscal Year 04-05. The County's Health and Human Services Agency and the Department of Housing and Community Development continue to support and actively participate in ongoing collaborative efforts with the City of San Diego and community-based service providers through the Regional Task Force on the Homeless and the Regional Continuum of Care Council in

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

support of successful strategies that address homeless issues. The Agency continues its commitment to Homeless Outreach Teams with the allocation of personnel for Fiscal Year 04-05.

04-07-2: Develop a strategic plan to expand the Homeless Outreach Teams so that these teams can extend their coverage to include homeless juveniles.

This recommendation will not be implemented. The Health and Human Services Agency is committed to ongoing collaboration with public and private agencies to improve the provision of effective and efficient services provided to homeless populations including juveniles. Current budget constraints prevent expansion of the Homeless Outreach Team program at this time.

04-07-3: Investigate public and private sector funding support to increase the number of shelter beds in San Diego County and designate more shelter beds specifically to the Homeless Outreach Teams for the chronically homeless clients they are serving.

This recommendation will not be implemented because the role of the County's Health and Human Services Agency is to provide basic health and social services. Although the County is not responsible for homeless housing, the County would be supportive of other agencies' efforts to provide housing for homeless clients. The County's Health and Human Services Agency will continue to focus on the provision of supportive services to this population as funding permits.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

ATTACHMENT B: RESPONSE TO 2003-2004 GRAND JURY REPORT

“JUVENILE DIVERSION”

FINDINGS:

1: The level of success within the county of San Diego juvenile diversion programs substantially exceeds the national average.

Agree

2: Innovative Juvenile Diversion programs should be adopted by participating agencies when available.

Agree

RECOMMENDATION 04-05-2: Use of the CROP (Richard J. Donovan State Correctional Facility - Convicts Reaching Out to People) program should be encouraged where appropriate.

This recommendation has been implemented. The Richard J. Donovan Correctional Facility/Convicts Reaching Out to People (CROP) is currently used by the Community Assessment Team (CAT) programs for appropriate at-risk youth as a deterrent for entering the juvenile justice system. The Probation Department will continue to evaluate and refer appropriate youth to CROP.

**ATTACHMENT C: RESPONSE TO 2003-2004 GRAND JURY REPORT
"COST EFFECTIVE FORENSIC SERVICES IN SAN DIEGO COUNTY"**

SECTION - CONSOLIDATION OF TOXICOLOGY TESTING AS A COST SAVINGS MEASURE

FINDINGS:

1. The Grand Jury believes the Office of the Medical Examiner may be the facility to consider as the provider of toxicology testing for other county agencies. However, the existing Office of the Medical Examiner is not large enough nor is it equipped to handle such an increase in workload. A substantial financial investment would be required to establish this facility as a countywide provider of toxicology services.

Agree

2. It seems logical that county agencies requiring toxicology testing should collectively explore the feasibility of providing this service within the County.

Agree

3. Such a collaborative effort and earnest exploration of an in-county toxicology service provider may lead to a more cost-effective use of county resources and better serve the community.

Agree

4. If a county toxicology department is not developed in the near future, a more immediate approach to multiple contracts for the same service is needed. A rational solution might be to form a single group with representatives from all agencies and negotiate one master contract. This could potentially save time and money in negotiations and unit pricing.

Agree

5. Crime laboratories constantly work with investigative and court imposed deadlines. Receiving evidentiary results in a timely manner is crucial to rapid crime solving.

Agree

RECOMMENDATIONS:

04-11-1: Evaluate the feasibility of consolidating the toxicology service requirements of all San Diego County agencies.

The recommendation is in the process of being implemented. During the next six months, the feasibility of consolidating the toxicology requirements of all San Diego County agencies will be evaluated.

04-11-2: Consider the possibility of using the Office of the Medical Examiner as the provider of toxicology services to the County and City of San Diego.

The recommendation will not be implemented in the foreseeable future. As stated in the Grand Jury report, the existing Medical Examiner facility, equipment and staff are inadequate to handle the volume of testing envisioned by this recommendation. Initial planning is underway to acquire a new facility for the Medical Examiner, and consolidated toxicology testing will be evaluated (as described in the response to Recommendation 04-11-1) and included in the plans for the new facility if appropriate.

04-11-3: Evaluate the feasibility of developing and negotiating a master contract for toxicology services that cannot be performed in San Diego County.

The recommendation is in the process of being implemented. During the next six months, the feasibility of developing and negotiating a master contract for toxicology services that cannot be performed in San Diego County will be evaluated.

SECTION - DEVELOPMENT OF A FEE-FOR-SERVICE SCHEDULE

FINDINGS:

6. The agencies that rely on and need lab results are funded and supported by the same taxpayers that fund the San Diego Sheriff's Department.

Agree

7. Inserting fees into criminal investigations could become a deterrent to effective investigations, be divisive or motivate cities to shift the financial burden of laboratory tests to other agencies.

Disagree in part. The impact of inserting fees for criminal investigations is unknown at this time and would have to be analyzed to determine if the County would agree to this finding.

8. The Crime Lab should be viewed as any other regional service that is offered by the Sheriff to all law enforcement agencies in the county at no cost.

Disagree in part. The Crime Lab does perform a regional service; however, this should not be viewed as the County of San Diego not being able to bill for services rendered.

9. The importance of having the Sheriff's regional services and especially law enforcement agencies working together without regard to jurisdictional boundaries or obligations was illustrated well during the Firestorms of 2003.

Agree

RECOMMENDATIONS:

04-11-4: Continue the budget appropriations that have enabled the Sheriff to fully fund the operational needs of the Crime Lab so that services can be made available to law enforcement agencies throughout the county without charge.

The recommendation has been implemented. According to the Director of the Sheriff's Crime Laboratory, funding received through the general fund, when combined with federal and state grant funds, meets current operational needs and permits the laboratory to meet accreditation standards. Even so, forensic science is a dynamic field in which there is the potential for new developments and new opportunities to have an impact on the safety of our community. The Board and the Sheriff will continue to monitor the needs of our regional laboratory in order to assure that it remains current on technology and caseloads.

04-11-5: Continue to provide sufficient revenue to the Sheriff so that the Crime Lab can continue to meet their increasing workload of cases while maintaining their national accreditation.

The recommendation requires further analysis. The Board of Supervisors provides funding to the Sheriff's Department that is used at the discretion of the Sheriff to fund operations. While Public Safety continues to be the highest priority of the Board, the Board cannot direct which services the Sheriff chooses to fund and at what level. It is anticipated that the Sheriff will continue to dedicate a sufficient portion of his budget to the Crime Lab in order to meet the increasing workload and maintain their national accreditation.

SECTION – UTILIZATION OF ASSEMBLY BILL 371 (CHAPTER 14, 2004 STATUTES)

10. The Sheriff's Department is taking advantage of this cost savings opportunity (Passage of Assembly Bill 371) by releasing a Request for Proposal so they can negotiate a new contract for the services.

Agree

ATTACHMENT D: -RESPONSE TO 2003-2004 GRAND JURY REPORT

“HELP! MY EMOTIONALLY DISTURBED CHILD IS INCARCERATED, WHAT HAPPENS NOW?”

FINDINGS:

1. The addition of CFMG health services, along with regular meetings has assisted in maintaining a positive impact on physical and mental health services and relationships among custodial and health care staff.

Agree.

2. The accreditation validates the ability of the mental health program at Juvenile Hall to provide services that exceed minimum standards of care.

Agree. CMA has accredited the Juvenile Hall facility as a whole, and accreditation reflects the effective coordination of services among Probation, mental health services and physical health services at the facility.

3. The Grand Jury has found conflicts between MOU statements and actual practice. In addition, procedures for financial accountability are not stated in the MOU.

Disagree. There is no conflict between MOU statements and practice. As stated in the MOU, the MOU is not intended to cover financial agreements; finance is clearly outlined in a separate financial document.

4. It is not clear how frequently existing cases of dual diagnosis are identified by the paraprofessional screening process.

Disagree. It is unknown what data supports the figure of 80% dually diagnosed population. Data provided by the Child and Adolescent Services Research Center (CASRC), a local research and evaluation unit affiliated with Children's Hospital indicates that the maximum number of dually diagnosed youth would be approximately 52%.

The screening process does not identify a mental health diagnosis. Screening identifies populations at risk who may then be referred for mental health services, including diagnosis and treatment.

5. It is generally not possible for Juvenile Hall staff to have knowledge of mental health treatment prior to booking.

Agree. Juvenile Hall is a temporary detention facility, not a treatment facility. The status of a detainee's prior mental health treatment, unless voluntarily released by the juvenile

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

(or by a parent if the child is under age twelve), is information protected by law, and not available to staff at Juvenile Hall.

6. Designating Kearny Mesa as a special purpose facility will allow for the transfer of current health staff from the old to the new facility, saving the cost of a second fully staffed health program. Under this plan the only fully staffed health clinic will be located at the new East Mesa Juvenile Detention Center. However, comprehensive physical and mental health services will be provided proportional to the number of children detained in each facility.

Disagree. The Kearny Mesa Juvenile Hall will not be designated a "special purpose juvenile hall." It has been determined that youth will be housed at the Kearny Mesa facility, thereby necessitating a 24-hour, fully staffed medical clinic. With this model, the County of San Diego will be providing a fully staffed clinic at each juvenile detention facility.

7. The Juvenile Detention Facility staff is limited in their ability to follow through on aftercare for juveniles with mental health problems. These limitations are caused in part by budget and personnel restrictions, as well as by difficulties in tracking and monitoring juveniles who do not remain in the Probation system.

Agree. Juvenile Hall is a temporary detention facility, not a mental health treatment facility. There are mechanisms in place to track children and youth who remain in the Probation system, but once they have been released from the system, neither Probation nor HHSA has any legal authority or funding to track individuals with mental health issues

8. The County is reducing the capacity of community programs to serve mentally ill juvenile offenders, even as County administrators announce plans to increase the number of referrals to these programs. The stated purpose of increased referrals is to provide an alternative to incarceration in the Juvenile Detention Facility.

Agree. Due to inadequate State funding, the County has been forced to reduce the capacity of community programs serving our children and youth. Wherever possible, attempts will be made to refer at-risk youth to community services to avoid incarceration.

9. Many children and youth who have mental health problems, do not receive treatment services after release from Juvenile Hall. This is the direct result of County policies that maintain costly bureaucratic structures. As a result, this County is limited in its ability to build the capacity of juvenile diversion and treatment programs that have a successful track record.

Disagree in part. The County provides treatment services based upon available State funding. Youth who are seriously mentally ill are referred to the Probation Placement Unit for determination of placement in group homes or wraparound services programs.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

With participation from their family, youth committed to the Breaking Cycles program for youth offenders undergo an evaluation by Probation and Mental Health staff to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. We concur that it would be advantageous to be able to provide additional after release services, and with adequate funding from the State these services could be enhanced.

It is unclear what County policies "maintain costly bureaucratic structures." A concerted effort has been made throughout the Agency, including mental health, to reduce administrative costs and ensure funding is directed to services. In mental health, an example of this is the recent effort to preserve services by the consolidation of three wraparound/intensive case management programs that include probation wards in the target population. Additionally, as part of the Fiscal Year 04/05 Operational Plan, the Agency is conducting managed competitions for a variety of mental health services to ensure that services are provided in the most efficient and effective manner.

10. Families who have been denied services are highly motivated to provide cost-saving ideas and practical assistance for the capacity of community programs to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. This is an untapped resource.

Disagree in part. We concur that families can provide valuable input on programs. The County is always interested in cost-saving ideas and practical assistance for expanding the capacity of community programs, to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. The County offers many opportunities for parents to offer input for improving services, such as community stakeholder forums, the Children's Dual Diagnosis Subcommittee and customer satisfaction surveys.

11. San Diego County is out of compliance with the state mandated concept of facilitating access to services and involving families as partners. The County is pursuing a policy of limiting broad family partnership in the system reform effort (CSOC). The County is supporting *Family Roundtable* leadership by a service provider, which can easily be construed as a conflict of interest.

Disagree. Children's Mental Health Services is in compliance with State System of Care concepts, and, in fact, has been a leader in advancing family partnership at three important levels: policy, program and practice. Examples include:

- **Policy.** Children's Mental Health Services Policy and Procedure #06-01-122, *Implementing Family-Youth Partnerships in Roles Other than Direct Service Provider* is strong policy statement on family partnership. This statement was recently lauded as an excellent example for other systems by the Family and Youth Roundtable of San Diego.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- Program. Training of family partners in the wraparound process is ongoing through the Wraparound Academy (a national model in teaching wraparound to children's service professionals including Probation Officers).
- Practice. Flexibility that allows contract agencies to hire parent partners as part of their treatment team.

Children's Mental Health Services has utilized the Family Roundtable, a community-based family consortium consisting of several family based organizations and support groups, to identify various parent/caregiver and youth representatives to participate in the various committees and projects that help advance the System of Care. In addition, several community based agencies that contract with Children's Mental Health Services and the County's First 5 Commission have hired parent partners to work with families. Many of those parent partners have been past consumers of services provided by the agency.

The chairperson of the *San Diego County Family Roundtable* is an independent family member. The President of their Board is the Executive Director of a nonprofit provider of services who was elected by the Roundtable's family members. He is also a parent of a special needs young adult.

12. According to California Government Code Section 1090-1098, the action of recommending the awarding of contracts to members of the Committee who have financial interests in the contracts constitutes a conflict of interest unless the interests are remote or constitute non-interest.

Disagree. The review of proposals and recommendations for awarding contracts is a separate process, handled by appointed members of Source Selection Committees, working under the guidance of the County's Purchasing and Contracting Department. Under the Mental Health Board, the System of Care Steering Committee provides community oversight and makes recommendations to Children's Mental Health Administration. This may involve the review of Board letters pertaining to future contract extensions or procurements. In these cases, per State law and County policy, and as with all Agency advisory committees, committee members are required to abstain from participating in any discussions or voting on any items in which a member has a financial interest or a potential financial interest.

13. The County is reluctant to share power with family/consumers, resistant to incorporating new perspectives for cost-effective community participation, and apparently unskilled or unwilling to utilize effective community development strategies.

Disagree. The implementation of mental health system of care reform beginning in 1997 has been the impetus for strengthening collaborative partnerships with public entities that includes Probation, education, family/youth, and community stakeholder representatives. Some specific examples that include all of these entities are:

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- Children's Mental Health System of Care Steering Committee
- Interagency participation in Source Selection Committees, the body that recommends awards to organizations who respond to Request for Proposals.
- System of Care Wraparound Training Academy, a program dedicated to training providers and family members in the wraparound approach.
- Annual San Diego County System of Care Conferences
- Education Advisory Committee, a subcommittee of the Steering Committee that provides community oversight and recommendations regarding mental health services that directly impact students in San Diego County.
- Participation in Co-Occurring Dual Diagnosis Initiative, an initiative designed to enhance the ability of mental health and alcohol and drug providers to serve individuals and their families with both mental health and substance abuse problems.
- Alianza, a community-based collaborative in central San Diego county dedicated to improving cultural competence in services for youth who experience problems with school and/or the law.

RECOMMENDATIONS:

- 04-13-1 Ensure the review of the Memorandum of Understanding between HHSA and Probation February 1, 2003 for revisions and additions that clarify the minimum level of services, funding to be provided, and protocols for fiscal accountability.**

This recommendation will not be implemented. The MOU is a document describing the roles and responsibilities of clinical staff and the level of services for both HHSA and Probation. The MOU is reviewed periodically for those elements. The MOU is not intended to establish funding levels or protocols for fiscal accountability, which are provided for annually in the respective department's Operational Plan (budget).

- 04-13-2 Mandate revision of the protocol for Juvenile Hall intake to include a licensed clinician in order to identify the need for a mental health assessment and to perform that assessment at the time of booking.**

This recommendation will not be implemented. There will be some 9,000 intakes performed annually at Juvenile Hall (East Mesa and Kearny Mesa facilities). Under the current intake protocol, there are multiple opportunities to screen for the need for a mental health assessment: intake screening, at the physical health screening and through observation of behavior on the wards.

- 04-13-3 Ensure that at least one licensed mental health clinician participates in the intake interview in the special purpose Kearny Mesa Juvenile Detention Facility.**

This recommendation will not be implemented. It is anticipated that there will be some 4,500 intake interviews to be conducted annually at this facility. There are multiple opportunities in the current intake process at the Kearny Mesa Juvenile Detention Facility to screen for the need for a mental health assessment.

- 04-13-4 Require that every child with a mental health diagnosis is referred to and put in contact with an appropriate community treatment program upon release from Juvenile Hall.**

This recommendation will not be implemented. The County provides treatment services based upon available State funding. The Probation Department provides case management and the Court provides orders for treatment and rehabilitation. Youth who are seriously mentally ill are referred for determination of placement in group homes or wraparound services programs. With participation from their family, youth committed to the Breaking Cycles program undergo an evaluation to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. With additional State funding, after care services could be enhanced. Those children released from Juvenile Hall and not placed on probation are provided recommendations from the Court but are not mandated to either seek or continue treatment as a point of law.

- 04-13-5 Authorize the performance of a community assessment in order to determine the capacity of existing substance abuse and juvenile mental health treatment programs. Commit seed funding for an initiative that will build capacity to provide treatment services for the 80% of the juvenile justice population who are dually diagnosed.**

This recommendation will not be implemented. A regional inventory of dual diagnosis services is currently underway as part of the activities of the Dual Diagnosis Task Force, and regional forums are planned for the fall. Services are provided based upon available State funding. Were additional funding to become available, treatment services for dually diagnosed would be among the priorities.

- 04-13-6 Investigate the appearance of a conflict of interest by members of the Children's Mental Health Services System of Care Steering Committee.**

This recommendation will not be implemented. The Children's Mental Health Services System of Care Steering Committee has already implemented the *System of Care Steering Committee Conflict of Interest Guidelines*, developed by County Counsel. The guidelines specifically address member conduct to avoid compromising activity.

- 04-13-7 Convene a "Family Summit" to talk with and learn from families and youth who have not been able to receive needed mental services. Utilize the information received to develop an action plan for reforming and enhancing**

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

the Children's System of Care with particular attention to ensuring that families and youth receive information, assistance and support from other families and youth so they are not alone as they desperately search for solutions and help.

The recommendation will not be implemented. As mentioned previously, the broad mental health system of care reform that began in 1997 made family partnership the cornerstone of the current system.

Children's System of Care conferences held in 2002 and 2003 promoted themes that emphasized supporting families and youth, and generated recommendations from more than 200 public and private sector stakeholders. These recommendations were approved by the County's System of Care Steering Committee and subsequently implemented by Steering Committee work groups.

The resulting policies developed by Children's Mental Health Services to advance family-youth partnerships have become models for other counties and states. These policies have helped family members and youth assume roles as helpers for troubled youth and families. In addition, these policies guide their role in helping Children's Mental Health Services develop guidelines and programs that improve the system of care.

Aside from the numerous examples of family/youth participation in various policy and program development committees (some outlined under Finding 13 above), the partnership is also exemplified in the advisory role that the Family Roundtable of San Diego provides to the Children's Mental Health Director.

✓

Report Title: Help! My Emotionally Disturbed Child Is Incarcerated, Now What?

Due Date: 10/04/04

Report #: 04-13

Responding Agency:

San Diego County Board of Supervisors

RECEIVED

AUG 17 2004

SAN DIEGO
COUNTY GRAND JURY

RECEIVED
AUG 13 2004



County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2472

August 10, 2004

The Honorable John S. Einhorn
San Diego Superior Court, Presiding Dept.
220 West Broadway
San Diego, CA 92101

RESPONSE FROM COUNTY OF SAN DIEGO ON 2003-2004 GRAND JURY REPORTS

Dear Judge Einhorn:

Attached, please find the County of San Diego Board of Supervisors' response to four reports issued by the 2003-2004 San Diego County Grand Jury.

The reports to which the Board is responding are titled:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County

~~How Many Mentally Disabled Child is incarcerated Now What?~~

The attached material was approved by the Board of Supervisors on August 10, 2004.

If you have any questions concerning the attachment or any related matter, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD
Chief Administrative Officer

Attachment



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

7

DATE: August 10, 2004

TO: Board of Supervisors

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

SUMMARY:

Overview

Between March 10 and June 29, 2004, the 2003-2004 San Diego County Grand Jury released 10 reports that contain recommendations relating to the operation of County programs and departments. On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of these reports.

This a request for your Board to review draft responses prepared by the Chief Administrative Officer that respond to the findings and recommendations contained in four of the remaining reports and to authorize the Chief Administrative Officer to transmit your Board's responses to the Grand Jury, via the Superior Court Presiding Judge. These responses address the following reports:

- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Fiscal Impact

There is no fiscal impact with this action.

Business Impact Statement

N/A

Advisory Board Statement

ATTACHMENTS DISTRIBUTED TO EACH BOARD
MEMBER, CAO, COUNTY COUNSEL AND ON FILE
IN THE OFFICE OF THE CLERK OF THE BOARD)

N/A

BACKGROUND:

The 2003-2004 San Diego County Grand Jury released 10 reports that contain findings and recommendations relating to County programs and departments. Under the California Penal Code, Sections 933.05 (a), (b) and (c), the County must respond to these findings and recommendations within 90 days of a report's issuance.

On May 18, 2004 (5) and July 13, 2004 (22), your Board approved responses to five of the ten reports. Proposed responses to four of the remaining reports are included in this request. The final outstanding report response will be before your Board on August 17, 2004.

The Grand Jury report responses attached to this Board Letter include:


- Should HOT Teams Be Expanded and For Whom?
- Juvenile Diversion
- Cost Effective Forensic Services in San Diego County
- Help! My Emotionally-Disturbed Child Is Incarcerated, What Happens Now?

This is a request for your Board to approve the attached Finding and Recommendation responses to these four reports and authorize the Chief Administrative Officer to transmit these responses to the Grand Jury via the Superior Court Presiding Judge.

Linkage to the County of San Diego Strategic Plan:

The Grand Jury reports listed above address issues associated with the County's Strategic Initiative to Promote Safe and Livable Communities. The County's written response to these reports and recommendations also supports the Required Discipline of Accountability/Transparency, fulfilling our commitment to conduct County business as openly as possible.

Respectfully,



WALTER F. EKARD
Chief Administrative Officer

AGENDA ITEM INFORMATION SHEET

CLERK OF SAN DIEGO COUNTY

CONCURRENCE(S)

7604 /HS -2 PM 12:41

COUNTY COUNSEL REVIEW

Written Disclosure per County Charter
Section 1000.1 Required

☒ Yes

☐ Yes

☒ No

GROUP/AGENCY FINANCE DIRECTOR

☐ Yes

☒ N/A

CHIEF FINANCIAL OFFICER

Requires Four Votes

☐ Yes

☐ Yes

☒ N/A

☒ No

GROUP/AGENCY INFORMATION
TECHNOLOGY DIRECTOR

☐ Yes

☒ N/A

COUNTY TECHNOLOGY OFFICE

☐ Yes

☒ N/A

DEPARTMENT OF HUMAN RESOURCES

☐ Yes

☒ N/A

Other Concurrence(s): Health and Human Services Agency
Public Safety Group

J. Graham

ORIGINATING DEPARTMENT: Chief Administrative Office

CONTACT PERSON(S):

Janice Graham

Name

619-531-6271

Phone

619-557-027

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A-6

Mail Station

Janice.Graham@sdcounty.ca.gov

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Janice Graham

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

May 18, 2004 (5) and July 13, 2004 (22)

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

7

ATTACHMENT A: RESPONSE TO 2003-2004 GRAND JURY REPORT

"SHOULD HOT TEAMS BE EXPANDED AND FOR WHOM?"

FINDINGS:

1. With all these services being offered by various agencies, it is easy to understand that accessing these or even knowing of their availability would be difficult for anyone. This must certainly be true for the chronically homeless. These people are often isolated from the community's mainstream. According to the September 2002 Fact Sheet #3 by the National Coalition for Homeless, over 20-25% of the homeless suffer from severe mental illness.

Agree.

2. The chronically homeless population consumes a disproportionate amount of law enforcement and emergency medical treatment resources. This may be due to the reason for their homelessness not being adequately addressed. Having HOT teams seek out individuals one at a time and addressing their specific needs may lead to better and more appropriate use of limited resources.

Agree.

3. The Homeless Outreach Teams' multi-disciplinary make-up allows for comprehensive field assessments. With two or three disciplines (social services, medical, and safety) addressing an individual's need it is more likely that a break in the cycle of homelessness will occur.

Agree.

4. Because of budgetary constraints, the teams now operate with only two professionals on a team in order to make-up more teams and reach more homeless people. With an increase in staff, they would, once again be able to operate more effectively as they originally did with all three professionals on a team and perhaps expand to serve youth.

Partially disagree. While it is correct that budgetary constraints limit the number of Homeless Outreach Teams, cost effectiveness is the primary factor in determining the number of professional staff in each team. Homeless Outreach Teams are primarily designed to link people to services. Mental health professionals are added to the team as situations warrant.

5. The Homeless Outreach Teams only cover the downtown and beach areas. The juvenile homeless in our county do not routinely stay within these areas. They tend to be more visible at night and are found in Hillcrest and under

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

freeway ramps along Interstate 5.

Agree.

6. For the calendar year 2003, the Homeless Outreach Teams contacted over 1,000 chronically homeless people. For the month of January 2004, they contacted over 200 chronically homeless people. Having an outreach team to locate and serve these 1,200 people frees up valuable time and resources from other law enforcement units in our downtown area.

Agree.

7. Eight shelter beds are designated to Homeless Outreach Team clients. With the number of contacts and placements made by these teams last year, this small amount of shelter space is insufficient to meet their needs.

Agree.

8. The Homeless Outreach Team program is a successful collaborative effort by the city and county to address the downtown homeless population. There is a need to expand and enhance this outreach to the homeless juveniles of our county. Early intervention and early identification of their reason for being on the street may prevent them from becoming chronically homeless adults.

Partially disagree. While the Homeless Outreach Team program is a highly successful collaborative effort by the city and county to address the needs of the chronically homeless, Homeless Outreach Teams, as they exist today, may not be the most effective strategy to approach and deal with homeless juveniles. On January 20, 2004 and June 22, 2004, the City of San Diego and the Board of Supervisors respectively approved resolutions supporting the development of a 10-Year Plan to End Chronic Homelessness as part of a national initiative that encourages cities and counties to develop strategic plans to address this issue. Outreach strategies for homeless juveniles will be addressed in the development of the plan.

RECOMMENDATIONS:

04-07-1: Continue collaborative efforts between the County and City of San Diego to support the Homeless Outreach Teams.

This recommendation will not be implemented because these efforts are already underway. The County's Health and Human Services Agency intends to continue its collaborative efforts in Fiscal Year 04-05. The County's Health and Human Services Agency and the Department of Housing and Community Development continue to support and actively participate in ongoing collaborative efforts with the City of San Diego and community-based service providers through the Regional Task Force on the Homeless and the Regional Continuum of Care Council in

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

support of successful strategies that address homeless issues. The Agency continues its commitment to Homeless Outreach Teams with the allocation of personnel for Fiscal Year 04-05.

04-07-2: Develop a strategic plan to expand the Homeless Outreach Teams so that these teams can extend their coverage to include homeless juveniles.

This recommendation will not be implemented. The Health and Human Services Agency is committed to ongoing collaboration with public and private agencies to improve the provision of effective and efficient services provided to homeless populations including juveniles. Current budget constraints prevent expansion of the Homeless Outreach Team program at this time.

04-07-3: Investigate public and private sector funding support to increase the number of shelter beds in San Diego County and designate more shelter beds specifically to the Homeless Outreach Teams for the chronically homeless clients they are serving.

This recommendation will not be implemented because the role of the County's Health and Human Services Agency is to provide basic health and social services. Although the County is not responsible for homeless housing, the County would be supportive of other agencies' efforts to provide housing for homeless clients. The County's Health and Human Services Agency will continue to focus on the provision of supportive services to this population as funding permits.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

ATTACHMENT B: RESPONSE TO 2003-2004 GRAND JURY REPORT

“JUVENILE DIVERSION”

FINDINGS:

1: The level of success within the county of San Diego juvenile diversion programs substantially exceeds the national average.

Agree

2: Innovative Juvenile Diversion programs should be adopted by participating agencies when available.

Agree

RECOMMENDATION 04-05-2: Use of the CROP (Richard J. Donovan State Correctional Facility - Convicts Reaching Out to People) program should be encouraged where appropriate.

This recommendation has been implemented. The Richard J. Donovan Correctional Facility/Convicts Reaching Out to People (CROP) is currently used by the Community Assessment Team (CAT) programs for appropriate at-risk youth as a deterrent for entering the juvenile justice system. The Probation Department will continue to evaluate and refer appropriate youth to CROP.

**ATTACHMENT C: RESPONSE TO 2003-2004 GRAND JURY REPORT
"COST EFFECTIVE FORENSIC SERVICES IN SAN DIEGO COUNTY"**

SECTION - CONSOLIDATION OF TOXICOLOGY TESTING AS A COST SAVINGS MEASURE

FINDINGS:

1. The Grand Jury believes the Office of the Medical Examiner may be the facility to consider as the provider of toxicology testing for other county agencies. However, the existing Office of the Medical Examiner is not large enough nor is it equipped to handle such an increase in workload. A substantial financial investment would be required to establish this facility as a countywide provider of toxicology services.

Agree

2. It seems logical that county agencies requiring toxicology testing should collectively explore the feasibility of providing this service within the County.

Agree

3. Such a collaborative effort and earnest exploration of an in-county toxicology service provider may lead to a more cost-effective use of county resources and better serve the community.

Agree

4. If a county toxicology department is not developed in the near future, a more immediate approach to multiple contracts for the same service is needed. A rational solution might be to form a single group with representatives from all agencies and negotiate one master contract. This could potentially save time and money in negotiations and unit pricing.

Agree

5. Crime laboratories constantly work with investigative and court imposed deadlines. Receiving evidentiary results in a timely manner is crucial to rapid crime solving.

Agree

RECOMMENDATIONS:

04-11-1: Evaluate the feasibility of consolidating the toxicology service requirements of all San Diego County agencies.

The recommendation is in the process of being implemented. During the next six months, the feasibility of consolidating the toxicology requirements of all San Diego County agencies will be evaluated.

04-11-2: Consider the possibility of using the Office of the Medical Examiner as the provider of toxicology services to the County and City of San Diego.

The recommendation will not be implemented in the foreseeable future. As stated in the Grand Jury report, the existing Medical Examiner facility, equipment and staff are inadequate to handle the volume of testing envisioned by this recommendation. Initial planning is underway to acquire a new facility for the Medical Examiner, and consolidated toxicology testing will be evaluated (as described in the response to Recommendation 04-11-1) and included in the plans for the new facility if appropriate.

04-11-3: Evaluate the feasibility of developing and negotiating a master contract for toxicology services that cannot be performed in San Diego County.

The recommendation is in the process of being implemented. During the next six months, the feasibility of developing and negotiating a master contract for toxicology services that cannot be performed in San Diego County will be evaluated.

SECTION - DEVELOPMENT OF A FEE-FOR-SERVICE SCHEDULE

FINDINGS:

6. The agencies that rely on and need lab results are funded and supported by the same taxpayers that fund the San Diego Sheriff's Department.

Agree

7. Inserting fees into criminal investigations could become a deterrent to effective investigations, be divisive or motivate cities to shift the financial burden of laboratory tests to other agencies.

Disagree in part. The impact of inserting fees for criminal investigations is unknown at this time and would have to be analyzed to determine if the County would agree to this finding.

8. The Crime Lab should be viewed as any other regional service that is offered by the Sheriff to all law enforcement agencies in the county at no cost.

Disagree in part. The Crime Lab does perform a regional service; however, this should not be viewed as the County of San Diego not being able to bill for services rendered.

9. The importance of having the Sheriff's regional services and especially law enforcement agencies working together without regard to jurisdictional boundaries or obligations was illustrated well during the Firestorms of 2003.

Agree

RECOMMENDATIONS:

04-11-4: Continue the budget appropriations that have enabled the Sheriff to fully fund the operational needs of the Crime Lab so that services can be made available to law enforcement agencies throughout the county without charge.

The recommendation has been implemented. According to the Director of the Sheriff's Crime Laboratory, funding received through the general fund, when combined with federal and state grant funds, meets current operational needs and permits the laboratory to meet accreditation standards. Even so, forensic science is a dynamic field in which there is the potential for new developments and new opportunities to have an impact on the safety of our community. The Board and the Sheriff will continue to monitor the needs of our regional laboratory in order to assure that it remains current on technology and caseloads.

04-11-5: Continue to provide sufficient revenue to the Sheriff so that the Crime Lab can continue to meet their increasing workload of cases while maintaining their national accreditation.

The recommendation requires further analysis. The Board of Supervisors provides funding to the Sheriff's Department that is used at the discretion of the Sheriff to fund operations. While Public Safety continues to be the highest priority of the Board, the Board cannot direct which services the Sheriff chooses to fund and at what level. It is anticipated that the Sheriff will continue to dedicate a sufficient portion of his budget to the Crime Lab in order to meet the increasing workload and maintain their national accreditation.

SECTION – UTILIZATION OF ASSEMBLY BILL 371 (CHAPTER 14, 2004 STATUTES)

10. The Sheriff's Department is taking advantage of this cost savings opportunity (Passage of Assembly Bill 371) by releasing a Request for Proposal so they can negotiate a new contract for the services.

Agree

ATTACHMENT D: -RESPONSE TO 2003-2004 GRAND JURY REPORT

"HELP! MY EMOTIONALLY DISTURBED CHILD IS INCARCERATED, WHAT HAPPENS NOW?"

FINDINGS:

1. The addition of CFMG health services, along with regular meetings has assisted in maintaining a positive impact on physical and mental health services and relationships among custodial and health care staff.

Agree.

2. The accreditation validates the ability of the mental health program at Juvenile Hall to provide services that exceed minimum standards of care.

Agree. CMA has accredited the Juvenile Hall facility as a whole, and accreditation reflects the effective coordination of services among Probation, mental health services and physical health services at the facility.

3. The Grand Jury has found conflicts between MOU statements and actual practice. In addition, procedures for financial accountability are not stated in the MOU.

Disagree. There is no conflict between MOU statements and practice. As stated in the MOU, the MOU is not intended to cover financial agreements; finance is clearly outlined in a separate financial document.

4. It is not clear how frequently existing cases of dual diagnosis are identified by the paraprofessional screening process.

Disagree. It is unknown what data supports the figure of 80% dually diagnosed population. Data provided by the Child and Adolescent Services Research Center (CASRC), a local research and evaluation unit affiliated with Children's Hospital indicates that the maximum number of dually diagnosed youth would be approximately 52%.

The screening process does not identify a mental health diagnosis. Screening identifies populations at risk who may then be referred for mental health services, including diagnosis and treatment.

5. It is generally not possible for Juvenile Hall staff to have knowledge of mental health treatment prior to booking.

Agree. Juvenile Hall is a temporary detention facility, not a treatment facility. The status of a detainee's prior mental health treatment, unless voluntarily released by the juvenile

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

(or by a parent if the child is under age twelve), is information protected by law, and not available to staff at Juvenile Hall.

6. Designating Kearny Mesa as a special purpose facility will allow for the transfer of current health staff from the old to the new facility, saving the cost of a second fully staffed health program. Under this plan the only fully staffed health clinic will be located at the new East Mesa Juvenile Detention Center. However, comprehensive physical and mental health services will be provided proportional to the number of children detained in each facility.

Disagree. The Kearny Mesa Juvenile Hall will not be designated a "special purpose juvenile hall." It has been determined that youth will be housed at the Kearny Mesa facility, thereby necessitating a 24-hour, fully staffed medical clinic. With this model, the County of San Diego will be providing a fully staffed clinic at each juvenile detention facility.

7. The Juvenile Detention Facility staff is limited in their ability to follow through on aftercare for juveniles with mental health problems. These limitations are caused in part by budget and personnel restrictions, as well as by difficulties in tracking and monitoring juveniles who do not remain in the Probation system.

Agree. Juvenile Hall is a temporary detention facility, not a mental health treatment facility. There are mechanisms in place to track children and youth who remain in the Probation system, but once they have been released from the system, neither Probation nor HHSA has any legal authority or funding to track individuals with mental health issues

8. The County is reducing the capacity of community programs to serve mentally ill juvenile offenders, even as County administrators announce plans to increase the number of referrals to these programs. The stated purpose of increased referrals is to provide an alternative to incarceration in the Juvenile Detention Facility.

Agree. Due to inadequate State funding, the County has been forced to reduce the capacity of community programs serving our children and youth. Wherever possible, attempts will be made to refer at-risk youth to community services to avoid incarceration.

9. Many children and youth who have mental health problems, do not receive treatment services after release from Juvenile Hall. This is the direct result of County policies that maintain costly bureaucratic structures. As a result, this County is limited in its ability to build the capacity of juvenile diversion and treatment programs that have a successful track record.

Disagree in part. The County provides treatment services based upon available State funding. Youth who are seriously mentally ill are referred to the Probation Placement Unit for determination of placement in group homes or wraparound services programs.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

With participation from their family, youth committed to the Breaking Cycles program for youth offenders undergo an evaluation by Probation and Mental Health staff to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. We concur that it would be advantageous to be able to provide additional after release services, and with adequate funding from the State these services could be enhanced.

It is unclear what County policies "maintain costly bureaucratic structures." A concerted effort has been made throughout the Agency, including mental health, to reduce administrative costs and ensure funding is directed to services. In mental health, an example of this is the recent effort to preserve services by the consolidation of three wraparound/intensive case management programs that include probation wards in the target population. Additionally, as part of the Fiscal Year 04/05 Operational Plan, the Agency is conducting managed competitions for a variety of mental health services to ensure that services are provided in the most efficient and effective manner.

10. Families who have been denied services are highly motivated to provide cost-saving ideas and practical assistance for the capacity of community programs to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. This is an untapped resource.

Disagree in part. We concur that families can provide valuable input on programs. The County is always interested in cost-saving ideas and practical assistance for expanding the capacity of community programs, to address the dual diagnosis needs of children and youth who are released from Juvenile Hall. The County offers many opportunities for parents to offer input for improving services, such as community stakeholder forums, the Children's Dual Diagnosis Subcommittee and customer satisfaction surveys.

11. San Diego County is out of compliance with the state mandated concept of facilitating access to services and involving families as partners. The County is pursuing a policy of limiting broad family partnership in the system reform effort (CSOC). The County is supporting *Family Roundtable* leadership by a service provider, which can easily be construed as a conflict of interest.

Disagree. Children's Mental Health Services is in compliance with State System of Care concepts, and, in fact, has been a leader in advancing family partnership at three important levels: policy, program and practice. Examples include:

- **Policy.** Children's Mental Health Services Policy and Procedure #06-01-122, *Implementing Family-Youth Partnerships in Roles Other than Direct Service Provider* is strong policy statement on family partnership. This statement was recently lauded as an excellent example for other systems by the Family and Youth Roundtable of San Diego.

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- **Program.** Training of family partners in the wraparound process is ongoing through the Wraparound Academy (a national model in teaching wraparound to children's service professionals including Probation Officers).
- **Practice.** Flexibility that allows contract agencies to hire parent partners as part of their treatment team.

Children's Mental Health Services has utilized the Family Roundtable, a community-based family consortium consisting of several family based organizations and support groups, to identify various parent/caregiver and youth representatives to participate in the various committees and projects that help advance the System of Care. In addition, several community based agencies that contract with Children's Mental Health Services and the County's First 5 Commission have hired parent partners to work with families. Many of those parent partners have been past consumers of services provided by the agency.

The chairperson of the *San Diego County Family Roundtable* is an independent family member. The President of their Board is the Executive Director of a nonprofit provider of services who was elected by the Roundtable's family members. He is also a parent of a special needs young adult.

12. According to California Government Code Section 1090-1098, the action of recommending the awarding of contracts to members of the Committee who have financial interests in the contracts constitutes a conflict of interest unless the interests are remote or constitute non-interest.

Disagree. The review of proposals and recommendations for awarding contracts is a separate process, handled by appointed members of Source Selection Committees, working under the guidance of the County's Purchasing and Contracting Department. Under the Mental Health Board, the System of Care Steering Committee provides community oversight and makes recommendations to Children's Mental Health Administration. This may involve the review of Board letters pertaining to future contract extensions or procurements. In these cases, per State law and County policy, and as with all Agency advisory committees, committee members are required to abstain from participating in any discussions or voting on any items in which a member has a financial interest or a potential financial interest.

13. The County is reluctant to share power with family/consumers, resistant to incorporating new perspectives for cost-effective community participation, and apparently unskilled or unwilling to utilize effective community development strategies.

Disagree. The implementation of mental health system of care reform beginning in 1997 has been the impetus for strengthening collaborative partnerships with public entities that includes Probation, education, family/youth, and community stakeholder representatives. Some specific examples that include all of these entities are:

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

- Children's Mental Health System of Care Steering Committee
- Interagency participation in Source Selection Committees, the body that recommends awards to organizations who respond to Request for Proposals.
- System of Care Wraparound Training Academy, a program dedicated to training providers and family members in the wraparound approach.
- Annual San Diego County System of Care Conferences
- Education Advisory Committee, a subcommittee of the Steering Committee that provides community oversight and recommendations regarding mental health services that directly impact students in San Diego County.
- Participation in Co-Occurring Dual Diagnosis Initiative, an initiative designed to enhance the ability of mental health and alcohol and drug providers to serve individuals and their families with both mental health and substance abuse problems.
- Alianza, a community-based collaborative in central San Diego county dedicated to improving cultural competence in services for youth who experience problems with school and/or the law.

RECOMMENDATIONS:

- 04-13-1 Ensure the review of the Memorandum of Understanding between HHSA and Probation February 1, 2003 for revisions and additions that clarify the minimum level of services, funding to be provided, and protocols for fiscal accountability.**

This recommendation will not be implemented. The MOU is a document describing the roles and responsibilities of clinical staff and the level of services for both HHSA and Probation. The MOU is reviewed periodically for those elements. The MOU is not intended to establish funding levels or protocols for fiscal accountability, which are provided for annually in the respective department's Operational Plan (budget).

- 04-13-2 Mandate revision of the protocol for Juvenile Hall intake to include a licensed clinician in order to identify the need for a mental health assessment and to perform that assessment at the time of booking.**

This recommendation will not be implemented. There will be some 9,000 intakes performed annually at Juvenile Hall (East Mesa and Kearny Mesa facilities). Under the current intake protocol, there are multiple opportunities to screen for the need for a mental health assessment: intake screening, at the physical health screening and through observation of behavior on the wards.

- 04-13-3 Ensure that at least one licensed mental health clinician participates in the intake interview in the special purpose Kearny Mesa Juvenile Detention Facility.**

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

This recommendation will not be implemented. It is anticipated that there will be some 4,500 intake interviews to be conducted annually at this facility. There are multiple opportunities in the current intake process at the Kearny Mesa Juvenile Detention Facility to screen for the need for a mental health assessment.

- 04-13-4 Require that every child with a mental health diagnosis is referred to and put in contact with an appropriate community treatment program upon release from Juvenile Hall.**

This recommendation will not be implemented. The County provides treatment services based upon available State funding. The Probation Department provides case management and the Court provides orders for treatment and rehabilitation. Youth who are seriously mentally ill are referred for determination of placement in group homes or wraparound services programs. With participation from their family, youth committed to the Breaking Cycles program undergo an evaluation to determine an appropriate level of service. Additionally, policies are in place to ensure that youth who receive psychotropic medications are followed upon release to ensure that care is continued. With additional State funding, after care services could be enhanced. Those children released from Juvenile Hall and not placed on probation are provided recommendations from the Court but are not mandated to either seek or continue treatment as a point of law.

- 04-13-5 Authorize the performance of a community assessment in order to determine the capacity of existing substance abuse and juvenile mental health treatment programs. Commit seed funding for an initiative that will build capacity to provide treatment services for the 80% of the juvenile justice population who are dually diagnosed.**

This recommendation will not be implemented. A regional inventory of dual diagnosis services is currently underway as part of the activities of the Dual Diagnosis Task Force, and regional forums are planned for the fall. Services are provided based upon available State funding. Were additional funding to become available, treatment services for dually diagnosed would be among the priorities.

- 04-13-6 Investigate the appearance of a conflict of interest by members of the Children's Mental Health Services System of Care Steering Committee.**

This recommendation will not be implemented. The Children's Mental Health Services System of Care Steering Committee has already implemented the *System of Care Steering Committee Conflict of Interest Guidelines*, developed by County Counsel. The guidelines specifically address member conduct to avoid compromising activity.

- 04-13-7 Convene a "Family Summit" to talk with and learn from families and youth who have not been able to receive needed mental services. Utilize the information received to develop an action plan for reforming and enhancing**

SUBJECT: RESPONSE TO 2003-2004 GRAND JURY REPORTS (District: All)

the Children's System of Care with particular attention to ensuring that families and youth receive information, assistance and support from other families and youth so they are not alone as they desperately search for solutions and help.

The recommendation will not be implemented. As mentioned previously, the broad mental health system of care reform that began in 1997 made family partnership the cornerstone of the current system.

Children's System of Care conferences held in 2002 and 2003 promoted themes that emphasized supporting families and youth, and generated recommendations from more than 200 public and private sector stakeholders. These recommendations were approved by the County's System of Care Steering Committee and subsequently implemented by Steering Committee work groups.

The resulting policies developed by Children's Mental Health Services to advance family-youth partnerships have become models for other counties and states. These policies have helped family members and youth assume roles as helpers for troubled youth and families. In addition, these policies guide their role in helping Children's Mental Health Services develop guidelines and programs that improve the system of care.

Aside from the numerous examples of family/youth participation in various policy and program development committees (some outlined under Finding 13 above), the partnership is also exemplified in the advisory role that the Family Roundtable of San Diego provides to the Children's Mental Health Director.

Report Title: America's Finest City

Due Date: 10/04/04

Report # 04-14

Responding Agency:

San Diego City Council



THE CITY OF SAN DIEGO

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SAN DIEGO
COUNTY GRAND JURY

September 23, 2004

John S. Einhorn
Presiding Judge of the Superior Court
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101

Subject: *Grand Jury Report entitled: "America's Finest City Is Not Always America's Cleanest City"*

This letter is in response to comments and recommendations provided by the Grand Jury of the County of San Diego in their report regarding the cleanliness of sidewalks in the downtown area of the City of San Diego. The report was released to the public on June 29, 2004.

PURPOSE OF THE REPORT

The Grand Jury's primary concern, as stated in the report, is "sidewalks littered with human and animal waste, dirt and refuse."

BACKGROUND

In Fiscal Year 2001, the Downtown Property and Business Improvement District was established as a self-managed district to fund sidewalk and landscape maintenance, public safety programs, enhanced street lighting, public information services, and administration. The District is located in the Downtown San Diego Community Planning Area and is comprised of five distinct zones: Core/Columbia, Cortez, Marina, Gaslamp Quarter, and East Village. The District is generally situated east of Pacific Highway, South of I-5, West of I-5, and North of Commercial and Harbor Drive. The non-profit Downtown San Diego Partnership manages the District (the Clean and Safe Program), and the City of San Diego's Community and Economic Development Department facilitates the administration of the District.



Office of the City Manager

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DISCUSSION

Representatives of both the District and the Downtown Partnership admit to the challenges of keeping these areas clean at all times, and they state that the property owners are aware that there is a need to address more frequent and thorough cleaning. Contrary to the Grand Jury's assessment that the management of keeping the sidewalks clean in the downtown area is not clear, the District and the Downtown Partnership accept responsibility for the cleanliness of the sidewalk areas and are doing as much as they can with their available resources. Every day, 30 staff members of the Clean and Safe Program clean sidewalks and maintain landscaped areas in the district's zones, four of which utilize power cleaning equipment to steam clean sidewalks on a daily basis. They are successful in responding to complaints as soon as they receive them.

The Grand Jury suggests that the City Council should consider discontinuing the District; however, even if this were done, property owners would still be responsible for the cleanliness of the sidewalk abutting their property, per the Municipal and State Codes noted in the paragraph below. This is true in all areas of the City, commercial and residential. It would take a vote of the property owners in the downtown area to discontinue the District and be individually responsible for their properties, or to increase their assessments in order to enhance cleaning services. Members of the District could also choose to reprioritize the services they receive for their assessments.

As the Grand Jury quotes in the first paragraph of their report, the City of San Diego Municipal Code 54.0201 states, "every person has the duty to maintain real property which is under his or her control free from weeds, rubbish and other forms of waste." This code, along with the State of California's Streets and Highways Code section 5610, which states, "the owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved . . . shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience. . . ." and Municipal Code 54.0208(b) which states, "it is unlawful for a responsible person whose premises abut any portion of a public street or parking strip to fail to maintain any public walkway thereon in a condition free from waste, weeds, and other plant growth. . . ." are the laws by which the City of San Diego holds property owners, both commercial and residential, responsible for the safe and clean condition of sidewalks abutting their property.

City of San Diego Council Policy 900-10, Comprehensive Code Enforcement Policy, places enforcement of health and safety issues as a Priority 2, second only to imminent health and safety hazards or illegal activity causing environmental damage. The Grand Jury report states that code enforcement in the Downtown area is only being done on a reactive basis. In practice, the City refers complaints to the Clean and Safe Program rather than to the individual property owners. If the complaint location does not fall under the jurisdiction of the District, the City notifies the property owner and enforces the appropriate code violation. The San Diego Police Department and the City's Environmental Services Department work closely with the Clean and Safe Program to remove transient camps and abandoned property and debris.

Code enforcement staff in the Environmental Services Department has received few complaints about the cleanliness of the sidewalks in the Downtown area. In the fiscal year ending June 30, 2004, Environmental Services received only 18 reports of trash/litter/waste on sidewalks in the respective areas, five of which resulted in notices of violation to the property owners, and two areas where City crews removed transient camp waste. The other complaint areas had already been cleaned by the time the inspector arrived at the sites. Representatives of the Clean and Safe Program state that they do not receive an inordinate amount of complaints, but address those they do receive as quickly as possible. If the complaint involves human or dog waste, or poses other types of health hazards, they respond immediately.

RESPONSE TO GRAND JURY RECOMMENDATIONS

Recommendation 04-14-1 - Inspect and determine the condition of the sidewalks in Downtown San Diego.

Response: Inspection and assessment of the areas in question should be performed by those entities that are responsible for the cleanliness of the sidewalks, i.e. the Clean and Safe Program and property owners in the downtown area. Representatives of the Clean and Safe Program are aware which areas require the most frequent cleaning and are working to identify solutions for enhanced services. In the current fiscal year, downtown property owners will be voting to expand the District's area, e.g., to East Village. The Clean and Safe Program will also propose that the property owners vote to enhance their assessments to acquire additional sidewalk cleaning equipment so that more areas will be able to receive this service.

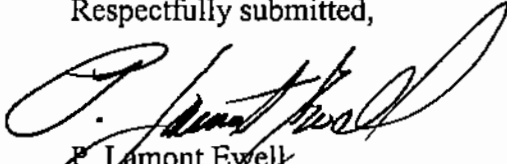
Recommendation 04-14-2 - Develop, implement, and enforce a solution to rid the downtown area of unclean and unhealthy sidewalk conditions.

Response: The City of San Diego is aware of the importance of a clean and safe environment, especially in tourist destinations such as Downtown San Diego. That is why the City supports the Downtown Property and Business Improvement District monetarily (\$92,000 in Fiscal Year 2005) and facilitates administration of the District. A large portion of the cleanliness issues are associated with the homeless population in the area. The Police Department administers many programs to minimize the problems that arise. The daytime and nighttime Police Bike Teams perform patrols, and if someone is found soiling a sidewalk, they must appear before the Homeless Court. If they are found guilty, they are sentenced to perform service to the community, such as cleaning sidewalks. The Homeless Task Force, comprised of social service agencies, law enforcement, business owners, City College representatives, and other agencies, tackle many of the issues involved with the homeless in the downtown area. The challenges associated with this population will be ongoing, but the City will continue to provide resources to address solutions.

The City will also continue to work with the Downtown Property and Business Improvement District in its efforts to keep the downtown area clean and safe. The City will take a more

active role in monitoring complaints as they are received. The Environmental Services and General Services Departments will support one another in removing waste from City property, and will investigate the possibility of utilizing non-profit agencies such as Urban Corps of San Diego, Inc. to assist in responding to emergency situations.

Respectfully submitted,



P. Lamont Ewell
City Manager

cc: Richard Mendes, Deputy City Manager
Larry Gardner, General Services Director
Elmer Heap, Environmental Services Director
William Lansdowne, Chief of Police
Jeff Kavar, Deputy Director, Economic Development Division

AIM 04-0225



THE CITY OF SAN DIEGO

RECEIVED

SEP 27 2004
SAN DIEGO
COUNTY GRAND JURY

September 23, 2004

John S. Einhorn
Presiding Judge of the Superior Court
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The Grand Jury's primary concern, as stated in the report, is "sidewalks littered with human and animal waste, dirt and refuse."

BACKGROUND

In Fiscal Year 2001, the Downtown Property and Business Improvement District was established as a self-managed district to fund sidewalk and landscape maintenance, public safety programs, enhanced street lighting, public information services, and administration. The District is located in the Downtown San Diego Community Planning Area and is comprised of five distinct zones: Core/Columbia, Cortez, Marina, Gaslamp Quarter, and East Village. The District is generally situated east of Pacific Highway, South of I-5, West of I-5, and North of Commercial and Harbor Drive. The non-profit Downtown San Diego Partnership manages the District (the Clean and Safe Program), and the City of San Diego's Community and Economic Development Department facilitates the administration of the District.

DISCUSSION

Representatives of both the District and the Downtown Partnership admit to the challenges of keeping these areas clean at all times, and they state that the property owners are aware that there is a need to address more frequent and thorough cleaning. Contrary to the Grand Jury's assessment that the management of keeping the sidewalks clean in the downtown area is not clear, the District and the Downtown Partnership accept responsibility for the cleanliness of the sidewalk areas and are doing as much as they can with their available resources. Every day, 30 staff members of the Clean and Safe Program clean sidewalks and maintain landscaped areas in the district's zones, four of which utilize power cleaning equipment to steam clean sidewalks on a daily basis. They are successful in responding to complaints as soon as they receive them.

The Grand Jury suggests that the City Council should consider discontinuing the District; however, even if this were done, property owners would still be responsible for the cleanliness of the sidewalk abutting their property, per the Municipal and State Codes noted in the paragraph below. This is true in all areas of the City, commercial and residential. It would take a vote of the property owners in the downtown area to discontinue the District and be individually responsible for their properties, or to increase their assessments in order to enhance cleaning services. Members of the District could also choose to reprioritize the services they receive for their assessments.

As the Grand Jury quotes in the first paragraph of their report, the City of San Diego Municipal Code 54.0201 states, "every person has the duty to maintain real property which is under his or her control free from weeds, rubbish and other forms of waste." This code, along with the State of California's Streets and Highways Code section 5610, which states, "the owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved . . . shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience....," and Municipal Code 54.0208(b) which states, "it is unlawful for a responsible person whose premises abut any portion of a public street or parking strip to fail to maintain any public walkway thereon in a condition free from waste, weeds, and other plant growth....," are the laws by which the City of San Diego holds property owners, both commercial and residential, responsible for the safe and clean condition of sidewalks abutting their property.

City of San Diego Council Policy 900-10, Comprehensive Code Enforcement Policy, places enforcement of health and safety issues as a Priority 2, second only to imminent health and safety hazards or illegal activity causing environmental damage. The Grand Jury report states that code enforcement in the Downtown area is only being done on a reactive basis. In practice, the City refers complaints to the Clean and Safe Program rather than to the individual property owners. If the complaint location does not fall under the jurisdiction of the District, the City notifies the property owner and enforces the appropriate code violation. The San Diego Police Department and the City's Environmental Services Department work closely with the Clean and Safe Program to remove transient camps and abandoned property and debris.

Code enforcement staff in the Environmental Services Department has received few complaints about the cleanliness of the sidewalks in the Downtown area. In the fiscal year ending June 30, 2004, Environmental Services received only 18 reports of trash/litter/waste on sidewalks in the respective areas, five of which resulted in notices of violation to the property owners, and two areas where City crews removed transient camp waste. The other complaint areas had already been cleaned by the time the inspector arrived at the sites. Representatives of the Clean and Safe Program state that they do not receive an inordinate amount of complaints, but address those they do receive as quickly as possible. If the complaint involves human or dog waste, or poses other types of health hazards, they respond immediately.

RESPONSE TO GRAND JURY RECOMMENDATIONS

Recommendation 04-14-1 - Inspect and determine the condition of the sidewalks in Downtown San Diego.

Response: Inspection and assessment of the areas in question should be performed by those entities that are responsible for the cleanliness of the sidewalks, i.e. the Clean and Safe Program and property owners in the downtown area. Representatives of the Clean and Safe Program are aware which areas require the most frequent cleaning and are working to identify solutions for enhanced services. In the current fiscal year, downtown property owners will be voting to expand the District's area, e.g., to East Village. The Clean and Safe Program will also propose that the property owners vote to enhance their assessments to acquire additional sidewalk cleaning equipment so that more areas will be able to receive this service.

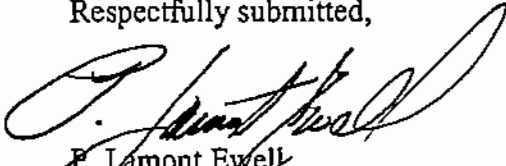
Recommendation 04-14-2 - Develop, implement, and enforce a solution to rid the downtown area of unclean and unhealthy sidewalk conditions.

Response: The City of San Diego is aware of the importance of a clean and safe environment, especially in tourist destinations such as Downtown San Diego. That is why the City supports the Downtown Property and Business Improvement District monetarily (\$92,000 in Fiscal Year 2005) and facilitates administration of the District. A large portion of the cleanliness issues are associated with the homeless population in the area. The Police Department administers many programs to minimize the problems that arise. The daytime and nighttime Police Bike Teams perform patrols, and if someone is found soiling a sidewalk, they must appear before the Homeless Court. If they are found guilty, they are sentenced to perform service to the community, such as cleaning sidewalks. The Homeless Task Force, comprised of social service agencies, law enforcement, business owners, City College representatives, and other agencies, tackle many of the issues involved with the homeless in the downtown area. The challenges associated with this population will be ongoing, but the City will continue to provide resources to address solutions.

The City will also continue to work with the Downtown Property and Business Improvement District in its efforts to keep the downtown area clean and safe. The City will take a more

active role in monitoring complaints as they are received. The Environmental Services and General Services Departments will support one another in removing waste from City property, and will investigate the possibility of utilizing non-profit agencies such as Urban Corps of San Diego, Inc. to assist in responding to emergency situations.

Respectfully submitted,



P. Lamont Ewell
City Manager

cc: Richard Mendes, Deputy City Manager
Larry Gardner, General Services Director
Elmer Heap, Environmental Services Director
William Lansdowne, Chief of Police
Jeff Kavar, Deputy Director, Economic Development Division

AIM 04-0225



THE VOICE OF DOWNTOWN

RECEIVED
SEP 14 2004
SAN DIEGO
COUNTY GRAND JURY

September 13, 2004

Presiding Judge of the Superior Court
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101

Re: Grand Jury Report entitled: "America's Finest City Is Not Always America's Cleanest City"

This letter is in response to the comments and recommendations provided by the Grand Jury of the County of San Diego in their report released on June 29, 2004 regarding the cleanliness of sidewalks in the downtown area of the City of San Diego. Although we were not specifically tasked with preparing a response to the Grand Jury's report, as the agency responsible for the enhanced level of maintenance services in the downtown area, we feel obligated to prepare a response.

Purpose of the Report

As stated, the purpose of the Grand Jury's report was to point out that many of the sidewalks in the downtown area are littered with human and animal waste, dirt, and refuse.

Background:

The Downtown Property-based Business Improvement District (PBID) was established as a self managed district in Fiscal Year 2000. The district provides *enhanced* maintenance, safety, and lighting services above and beyond those provided by the City of San Diego. The district covers 272 blocks in the downtown neighborhoods of Gaslamp Quarter, Cortez, East Village, Marina, and Core/Columbia. It is managed by the Downtown San Diego Partnership in accordance with an operating agreement with the City of San Diego.

Discussion:

The PBID is currently operating in a very restrictive environment and finding it difficult to adequately perform sidewalk cleaning. Implementation of the new storm water

practices on January 1, 2004 resulted in a chain reaction of setbacks for the PBID. We were required to purchase additional equipment (at a significant cost) that would enable us to continue our sidewalk cleaning operations. This equipment included a vacuum system, additional generators, and a larger trailer to carry the equipment.

The larger trailer reduced our capability to park. As a result, we were cited by parking enforcement several times for parking in the limited parking zones. The vacuum system has proven to be somewhat unreliable and requires significant maintenance. Minor malfunctions to the system require that we stop all operations until the vacuum system is operational. Our organization has been cited twice since January 1, 2004 by the storm water pollution department for allowing non storm water discharges into the storm water conveyance system. Additionally, the vacuum system and additional generators have caused our noise decibels to exceed acceptable levels as defined by the San Diego Municipal Code. We adjusted our sidewalk cleaning operations to the early morning hours (2:00 a.m.) in an attempt to find more available parking. This failed because residents complained that we were making too much noise and violating the City's noise ordinance. As we attempted to find a solution to the noise problem, we were denied any assistance from the city.

There are other factors that contribute to the sidewalk conditions in downtown San Diego. Among them are the growing homeless population, the lack of public restrooms to accommodate the homeless population, the growing pet population, unsatisfactory public trash receptacles, the lack of a bird impact reduction program, the absence of regulations to prevent the feeding birds in public rights-of-way, and inadequate enforcement of San Diego Municipal Code 56.55 (urinating/defecating in public prohibited) and San Diego Municipal Code 44.0304.1 (committing nuisance – pets urinating and defecating in public). All of these factors are beyond the scope of services provided by the PBID.

In its response, the City cites San Diego Municipal Code 54.0201 & 54.0208(b) and California Streets and Highways Code section 5610, as the laws by which the City of San Diego holds property owners responsible for the safe and clean condition of sidewalks abutting their property. Perhaps this approach would be adequate to resolve the problem if it were reasonable for property owners to assume such responsibility. The factors currently contributing to poor sidewalk conditions are beyond the control and scope of responsibility of property owners. It is therefore unreasonable to place the sole burden of removing these conditions on the property owners.

Response to Grand Jury Recommendations:

04-14-1 Inspect and determine the condition of the sidewalks in Downtown San Diego.

The grand jury has recognized that the issue of cleaning sidewalks involves federal, state, and local regulations. As such, the recommendation of inspecting sidewalk conditions is valuable and should be implemented. As the agency conducting most of the sidewalk cleaning in the downtown area, we face many

challenges and restrictions that prevent us from producing any noticeable/acceptable results. An inspection should include representatives from the Clean & Safe Program (PBID), Storm Water Pollution, Streets Division, Code Compliance, CCDC, Police Department (Hot/PERT), Environmental Services, Graffiti Control, Water Department (sewer), Parks & Recreation, the City's Homeless Services Administrator, and social service providers in the downtown area.

This inspection should have several goals.

1. Identify all factors that contribute to the sidewalk conditions.
2. Examine the federal, state, and local laws that hinder the efforts of the PBID and help find solutions that will enable the PBID to clean sidewalks and remain compliant with all regulations.
3. Identify conditions that are beyond the scope of services provided by PBID.
4. Identify poor maintenance conditions that are beyond the scope of the PBID.
5. Establish a policy of enforcement to adequately address the violations of municipal codes that contribute to the sidewalk conditions.
6. Evaluate the need for a municipal code that prohibits the feeding of animals/birds in the public right of way.
7. Evaluate the need for increased skateboarder and cyclist enforcement. (SDMC 84.12).
8. Evaluate the need to develop a plan that considers current/future development and makes concessions for maintenance and/or landscaping in the public rights-of-way.
9. Identify unsatisfactory sidewalk conditions that are a result of current and/or newly completed construction.

04-14-2 Develop, implement, and enforce a solution to rid the downtown area of unclean and unhealthy sidewalk conditions.

After conducting a thorough inspection of the sidewalks in the downtown area, and detailing a study of the causes, a task force should be established to fully implement the three elements of this recommendation.



Stewart J. Payne
Executive Director

CC: Barbara Warden, President Downtown San Diego Partnership
John Kratzer, Chairman Board of Directors, Downtown San Diego Partnership
Don Mullen, Council District II
Bruce Herring, Deputy City Manager, City of San Diego



Homeless person sleeping on the sidewalk at the corner of 5th Avenue and C Street. Paramedics were called when he was unable to walk. His feet were extremely swollen.



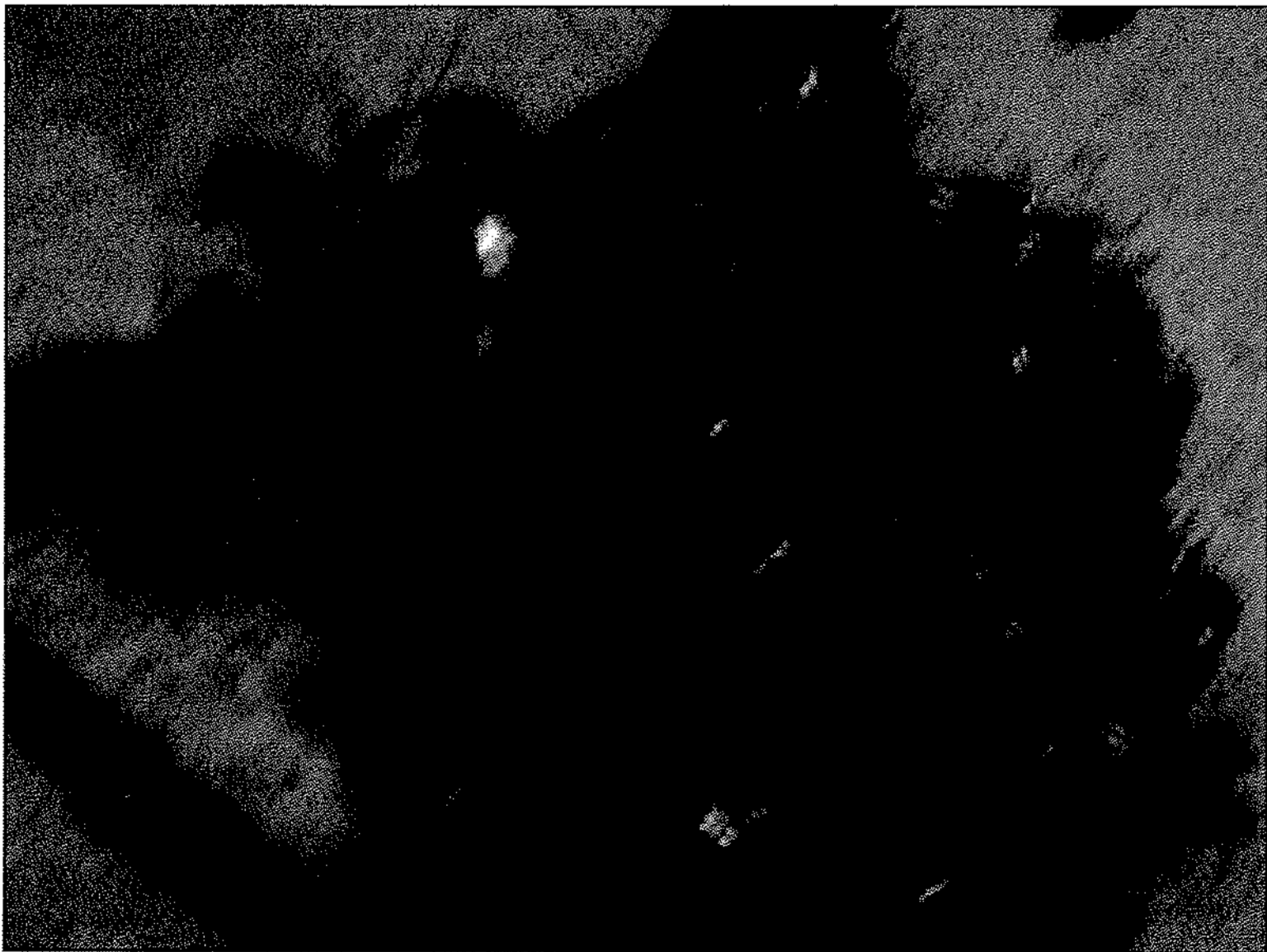
Transient using the restroom on the sidewalk at 14th Avenue and F Street.



Hotel San Diego (Broadway & Union)
Transients use doorways as restrooms. The urine runs onto the sidewalk.
(this is common in many areas of downtown)



Human feces on the sidewalk at Broadway & Union.
Photo taken four hours after Clean & Safe crews power-washed the sidewalk.



Human feces on the sidewalk at the corner of 15th Ave and F Street.
(Homeless encampment located across the street)



Public Restroom at 3rd Avenue and C Street
(Equipped with one toilet, one urinal, and one sink)



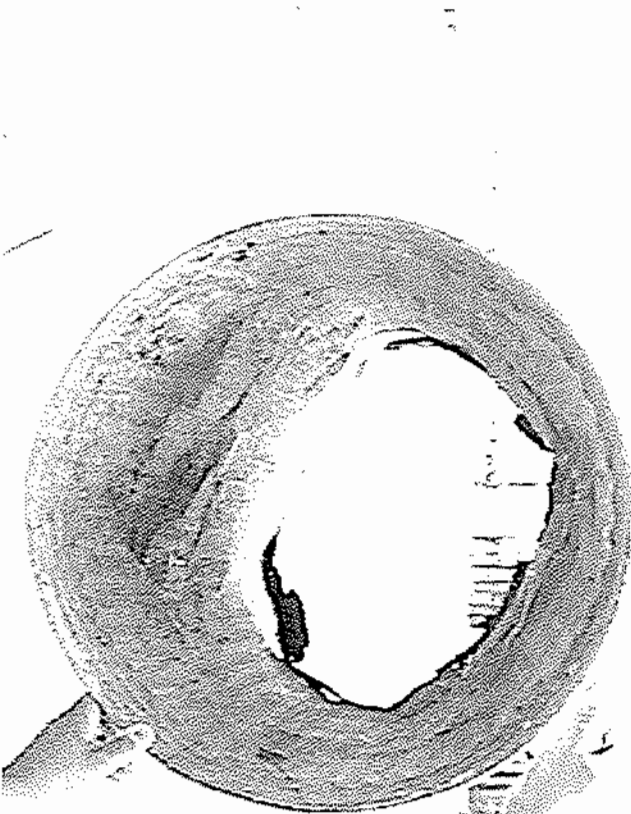
Homeless Encampment at 15th Avenue & F Street
(One of many in the downtown area)



Homeless Encampment at 15th Avenue & F Street
(One of many in the downtown area)



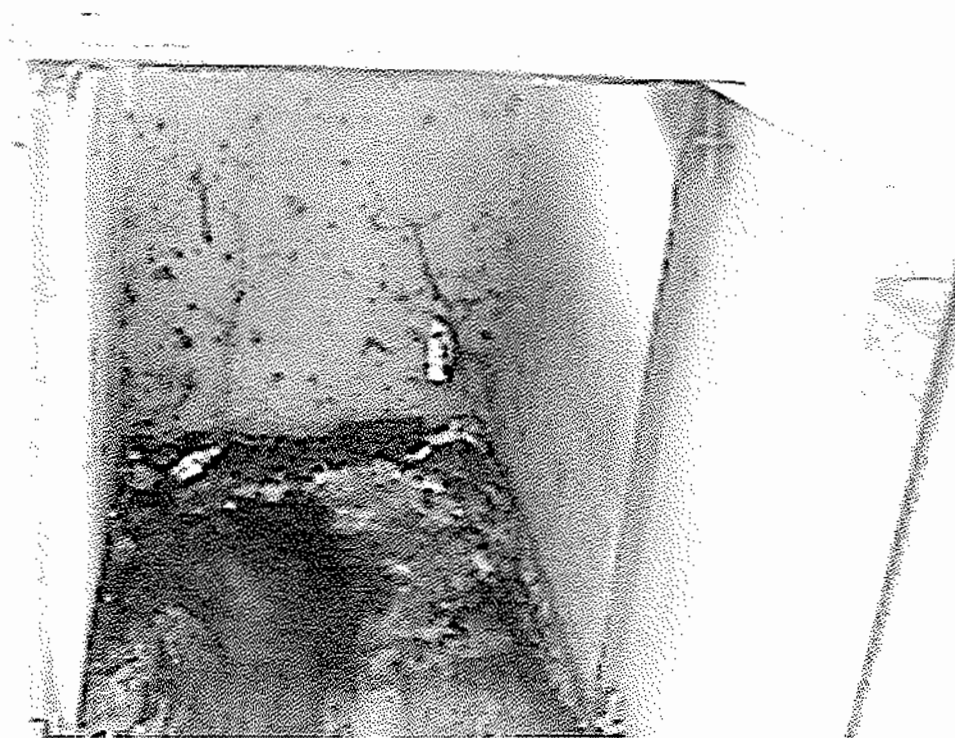
Animal feces in planter located on the sidewalk



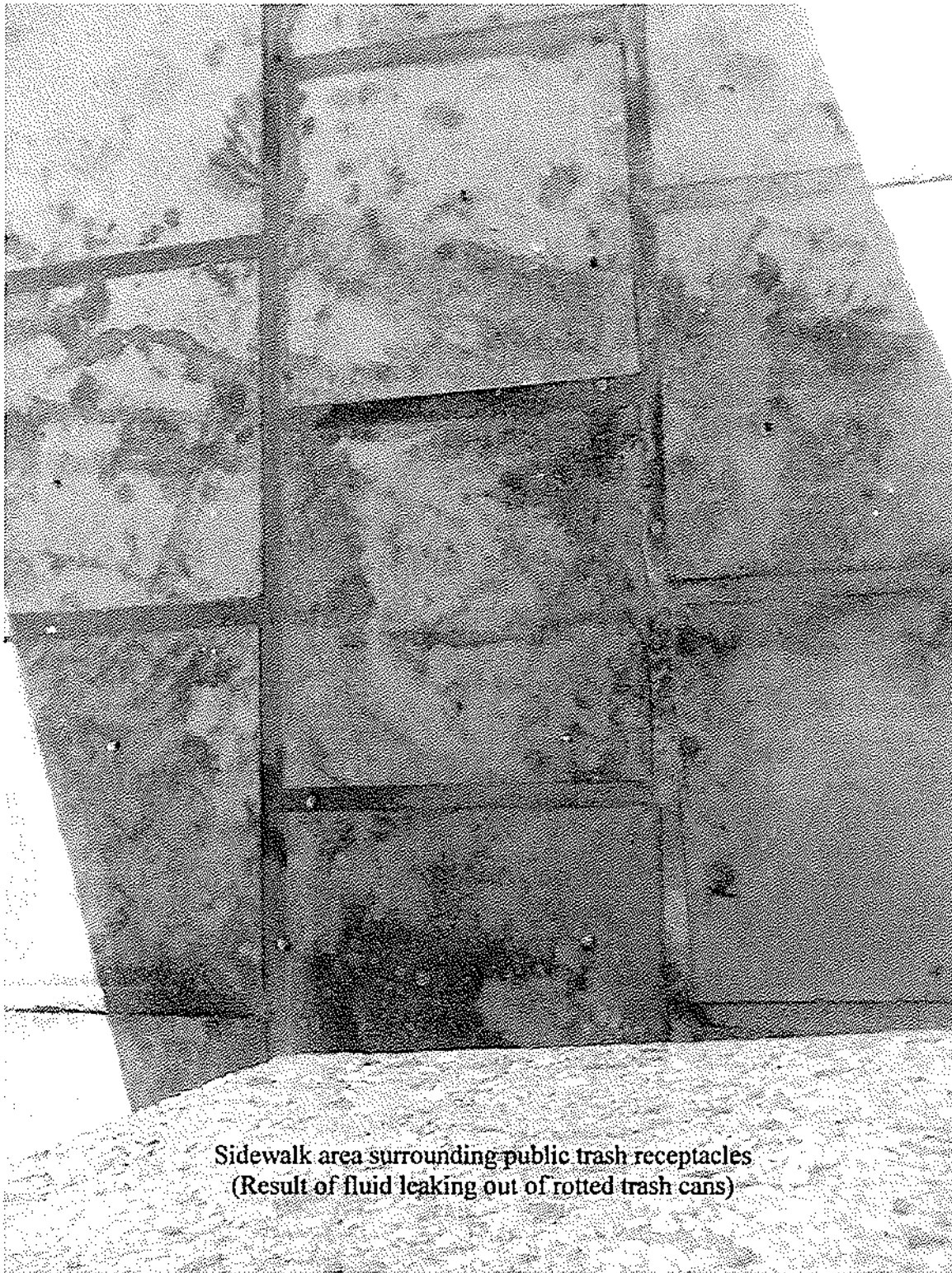
Condition of the public trash cans throughout Downtown San Diego!
Poor condition allows liquid substances to leak inside receptacle and onto sidewalks.
Creates unsanitary conditions!



Condition of sidewalk after private trash receptacles are left at the curb for dumping.



Condition of the public trash receptacles throughout Downtown San Diego!
Liquids leak into the receptacle because bottom of trash cans are rotted.
Bottom of receptacle is filled with mold and mildew!



Sidewalk area surrounding public trash receptacles
(Result of fluid leaking out of rotted trash cans)



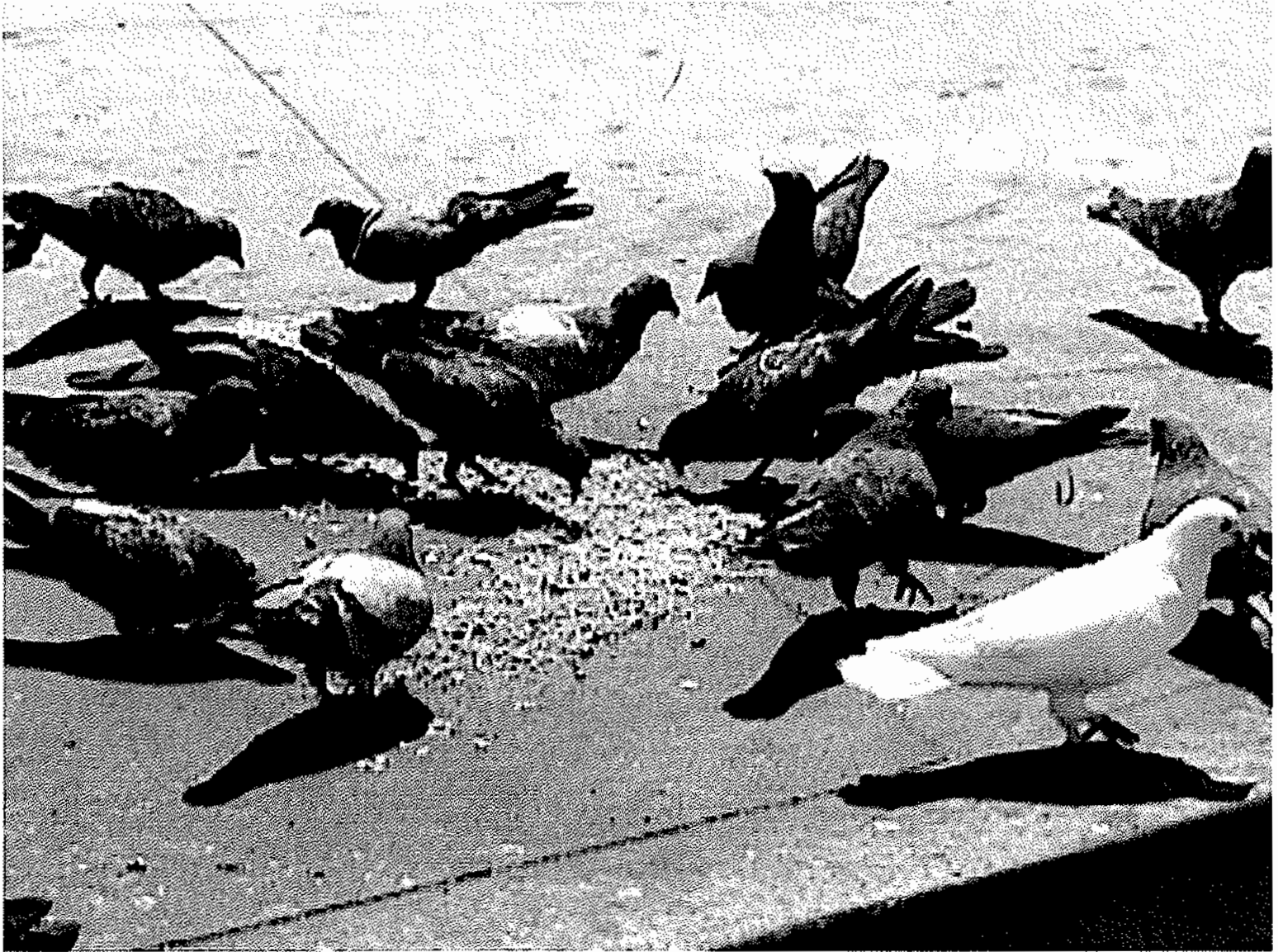
Overflowing private trash receptacle left on sidewalk awaiting refuse collection
(Containers are often left out days/hours before scheduled pick-up)



Overflowing private trash receptacle left on sidewalk awaiting refuse collection
(Containers are often left out days/hours before scheduled pick-up)



Trash from local business thrown on sidewalk
(no container used)



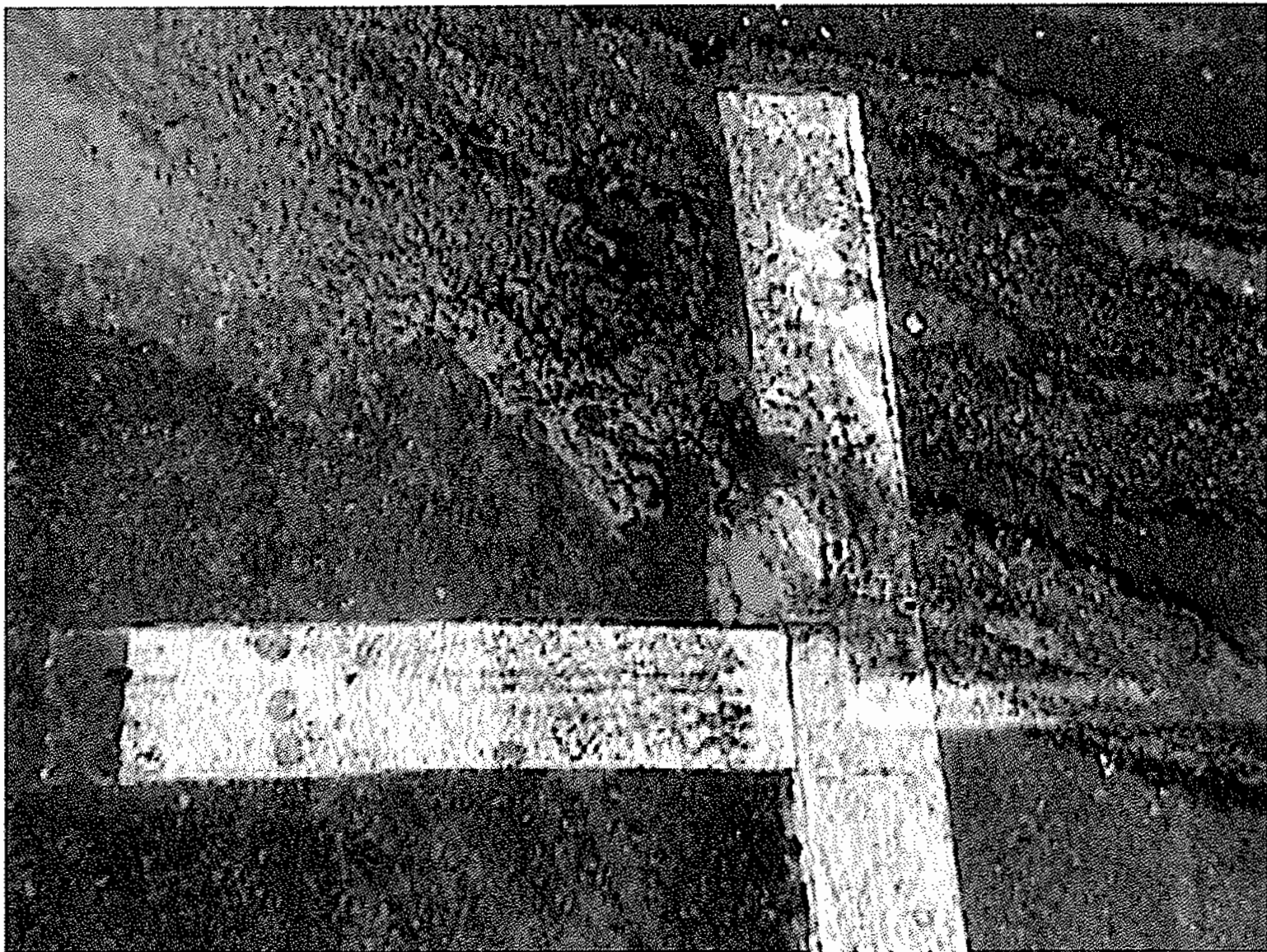
Pigeons feeding on food dumped on the sidewalk at the corner of
14th Street and Island Avenue



Sidewalk at 14th and Island Avenue
(after pigeons had eaten food)



Pigeon droppings on the sidewalk at the corner of
Front Street and Broadway
(Pigeons perch on the signal light above)



Condition of streets and sidewalks after refuse collection trucks remove private trash receptacles.



Cracked sidewalk tiles
(skateboarders, bicyclist, and delivery personnel contribute to these conditions)

Report Title: DSD
Due Date: 09/27/04
Report # 04-15
Responding Agency:

San Diego City Council



THE CITY OF SAN DIEGO

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SEP 29 2004

SAN DIEGO
COUNTY GRAND JURY

August 27, 2004

Honorable John S. Einhorn
Presiding Judge, San Diego County Superior Court
220 West Broadway, Department SD-P
San Diego, CA 92101

Dear Judge Einhorn:

Subject: Response to San Diego County Grand Jury Report 2003/4-15

In compliance with California Penal Code §933.05, the City of San Diego has extensively reviewed the May 25, 2004 report from the San Diego County Grand Jury entitled "The Development Services Project Tracking System." We have enclosed responses for all findings and recommendations contained in the report and are consistent with the requirements and instructions of referenced California Penal Code §933.05.

The City appreciates the efforts put forth by the Grand Jury in researching the City of San Diego's Project Tracking System. Understanding the processes, terminology, and complexity of the land development and permitting process are challenging for our staff let alone an outside auditor. The City agrees with most of the findings in the report. We do have a difference of opinion with some of the entries in the "Facts and Findings" section of the report. Those differences are noted in the City's responses.

The City of San Diego Development Services Department has been performing land development and permitting services for its customers in an environment of increasing regulatory complexity and increasing demand. Additionally, the Department has been working through a change process demanded by policy makers, stakeholders, and customers. There are many stakeholders in this contentious process. The City believes that the Project Tracking System is a key effort in this change process. The Project Tracking System's key benefit is that it provides transparency into actions that occur as part of delivering these services. Responsibility for actions is defined in the system, whether staff's or customer's. Performance is recorded in the system, whether staff's or customer's. The City is confident that the impact of the Project Tracking System on our service delivery will be a positive one. As the staff and customers have utilized the Project Tracking System more, we see that it is easier to identify pitfalls in the process for our customers and we can target resources to solve problems. The Project Tracking System provides everyone involved in the process a means to uncover the issues behind anecdotal stories about how a project or permit was processed.



Office of the City Manager

202 C Street, MS 9A • San Diego, CA 92101-3869

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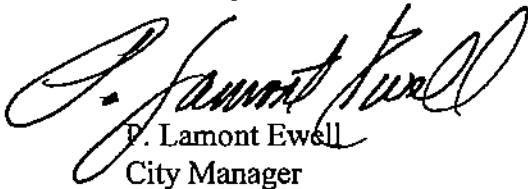
Response to San Diego County Grand Jury Report 2003/4-15

August 27, 2004

Again, the City values the effort put forth by the Grand Jury in researching the Project Tracking System.

Please call me at (619) 236-5941, if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Lamont Ewell", is written over the typed name and title.

P. Lamont Ewell
City Manager

PLE/LJM/lgb

Enclosure

cc: Honorable Mayor and City Council

Thomas E. McCarthy, Foreperson, County of San Diego Grand Jury 2003 – 2004

George I. Loveland, Assistant City Manager

**CITY OF SAN DIEGO RESPONSE TO GRAND JURY REPORT
“THE DEVELOPMENT SERVICES DEPARTMENT PROJECT TRACKING
SYSTEM”**

Pursuant to Penal Code 933.05, the City of San Diego provides the following response to the findings and recommendations in the above-entitled Grand Jury Report.

FACTS AND FINDINGS

The City Of San Diego Development Services Department have reviewed the facts and findings offered by the Grand Jury.

The Grand Jury Report references entities such as “Process 2000”, “Project 2000”, and “Project Tracking System”. It is difficult sometimes to understand to which entity the Report refers at various junctures in the report. In terms of our response, it is important to clarify the overall structure and definitions of these entities.

Process 2000

Process 2000 encompassed a large effort to re-engineer the land development and permitting process. Process 2000 had four main goals:

1. More Timely (50% Overall Processing Timeline Reduction)
2. More Predictable (Consistent)
3. More Coordinated
4. Less Costly

To those ends, the City reorganized components from various departments (including Building Inspection, Planning, Engineering, Park and Recreation, Fire, Water, and Metropolitan Waste Water) into the Development Services Department. At the time of the re-organization, these workgroups used a variety of procedures, practices, and staff tools (including elements or whole parts of 8 pre-existing computer systems). The newly created Development Services Department was charged with overseeing the land development/permitting process.

The Department set about re-engineering and unifying these work processes. The Department reorganized duties and created new job classifications.

The Department initiated mapping efforts to create a shared tool to be used by staff. This mapping effort included the development of a variety of map layers to support decision making dependent upon site conditions as well as Landbase Rectification. Landbase Rectification was strategically important because the City’s Geographic Information System (GIS) landbase was not positionally accurate enough to support our processes. Additionally, if we were to develop map layers that overlay a road and parcel network that would be shifted, we would have to

perform similar maintenance on every dependent layer used by staff. Development Services staff and contractors developed a methodology to rectify the landbase. Internal staff broke the City into 31 conversion areas. Rectified 3 areas and attempted to contract out subsequent areas to a vendor who failed to deliver. This Landbase Rectification effort is the contract failure referenced in Page 2 of the grand Jury Report. Two additional geographic areas (of the original 31 areas) were rectified by departmental staff. The expense and time required to complete this effort coupled with reorganization of Landbase maintenance into a regional joint-powers agency made this effort wholly untenable and we have had to accept the landbase in its current state. Staff went on to develop and integrate over 120 GIS map layers used by reviewers, projects managers, and submittal staff to determine site conditions.

Previous to this GIS strategy, staff relied upon different or often inconsistent paper map products maintained by staff in various departments. Naturally under this scenario, customers received inconsistent answers based upon differing understandings of current site conditions.

The Department implemented PC-based desktop automation and email systems. This implementation was necessary to support implementation of Citywide IT strategies, internal communication, map layer delivery, as well as provide a platform for application tools such as the Project Tracking System. To support GIS map access and communication sharing, network infrastructure, building wiring and air-conditioning were upgraded as well. The strategy was to provide more tools to help staff make informed decisions at their desks.

Reorganization of work flow, new job classifications, physical relocation of staff all began to change the way we work. Not only did we have to inventory the procedural status quo, we also had to assimilate a great deal of procedural change. New classifications and new procedures naturally shifted authority and responsibility to new parties in some cases. Changes often impacted others downstream in the process. These changes had to be analyzed and optimized on the system as a whole so as to improve the overall customer experience in the process. One example of this is that it might take extra time for staff to capture the project owner's name and contact information at the time that the project is created, but it will save an inspector's time in the field when the inspector is trying to contact an owner on a construction issue. Prior to implementation of Process 2000, inspectors would frequently have to fail inspections because they could not reach the project owner to obtain access or discuss construction issues. Failing an inspection costs the customer additional time and money. If we had optimized the task flow to speed project creation for counter staff and plan runners, it would happen at the cost of downstream customers of that information.

While the above reorganization, process re-engineering, staff co-location, procedure development, GIS mapping, computer hardware purchases, network and infrastructure upgrades all occurred under the "Process 2000" umbrella – none are part of the Project Tracking System. The Project Tracking System is yet another distinct effort under Process 2000.

Project Tracking System

The Project Tracking System was required as another Process 2000 effort because it did not make good sense to process a single customer project through a variety of legacy computer

systems (pre-existing mainframe COBOL applications). Redundant entry and inconsistent tracking of information would surely be the result.

The Project Tracking System went through a few incarnations. The first was the “prototype”. The “prototype” was used during the 1990’s to pilot the Process 2000 concepts and subsequent to the pilot project, act as the production tool for newly created Project Managers because they had no existing automated tools for their duties.

The second incarnation of the Project Tracking System came into being in 2000-1. It replaced the “prototype”. It used a more robust graphic user interface and database platform. It also supported the discretionary review process. This included Module 1 (Customer Flow and Tracking), Module 2 (Site Information), and Module 3 (Project Management and Review Tracking).

The next major incarnation greatly enhanced the second incarnation to include ministerial permitting and inspection. This second incarnation was implemented June 2003. This included Module 4 (Fee Invoicing and Permitting) and Module 5 (Inspections). This rounds out the first five modules referenced in the Grand Jury Report as complete.

The prototype followed by distinct modules allowed us to test concepts and processes then gradually move segments of our Department operations into the Project Tracking System. The intent was to provide the least disruptive means to implement automation change into our operations.

Subsequent to the Grand Jury Audit, Module 6 (External Reports) has been completed. Module 10 (Management Reports) has also been completed.

Module 7 (Hearing and Docketing) has been removed from the work plan because it was not materially important in our automated workflow. Discretionary projects have been processed for two years in Project Tracking without Module 7.

Module 8 (Scheduling and Budget) is currently in a future enhancement status. It is not materially important in our automated workflow, but it does have some merit as an indicator of what it may take a pro forma project to complete in money and time.

Subsequent to the Grand Jury Audit, Module 9 (Subdivision Accounts) has been completed with the redesign of our Subdivision Account Statements. Other elements of Module 9 have been accomplished as part of Module 4 or abandoned because they are sufficiently accomplished through other means.

Module 11 (Customer Self-Access) is our remaining planned Project tracking System effort. During the last fiscal year, customers began using the Project Tracking System in our lobbies. Customers can self-schedule Inspections via our Interactive Voice Response (IVR) system. During the current fiscal year, our plan is to provide a means on our website for customers to:

1. Get a Project Status Report
2. Pay Invoices

3. Schedule Inspections
4. Get Inspection Results
5. Do Sample Fee Calculations

We do not agree with the Grand Jury Report's assertion that completion of all modules is important for a complete system. The first 5 modules were important for a complete system followed by completion of module 6 in a timely enough fashion to support external reporting requirements. These modules have all been completed.

The Project Tracking System enhancement and maintenance work program is defined by participation of management, employee committees, customer focus groups and committees, and the City's Technical Advisory Committee.

For the first time in the City of San Diego, all major land development permit types are processed in the Project Tracking System. As of July 2004, the Project Tracking System has tracked 39,118 projects and 52,042 permits. 86,204 plan reviews have been tracked. Project tracking System users know who performed each review, what issues were identified during project review, when started, and when ended. To date 110,752 inspections have been scheduled with results recorded in PTS. Last fiscal year alone PTS invoiced \$45 million in fees. 600 staff in 8 departments and agencies now use the Project Tracking System.

The staff involved in the above change efforts had to assimilate change to their entire work environment against a backdrop in which development and construction activity dramatically increased. Labor unavailability and cost inflation reduced available resource to actively progress on some efforts. A new fee schedule based upon a completely different methodology was implemented coincident with the Project Tracking System because the legacy systems could not support the new fee methodology. Department staff accomplished these efforts while continuing to review plan, issue permits, and perform inspections.

Invariably, auditors, oversight committees, community planning groups, staff and customer focus groups ask us to continue to develop and enhance PTS. They tend to be excited about the transparency of our transactions, accountability for those who perform actions, and management data that will enable us to tune our operations. The Grand Jury Report Appendix A's complementary reference to the Project Tracking System (PTS) is a frequent reaction we get from people who look closely at we are trying to accomplish. We found the Appendix A recommendations particularly insightful and have implemented 6 of the 8 recommendations.

Process 2000 vs. Project Tracking System

The Grand Jury Report provides much discussion on Page 2 regarding Process 2000 efforts and estimates. A reference to "geographic expansion" and completion in "1997 at a cost of \$3.5 million" refers to estimates of mapping efforts – not the Project Tracking System. Following that is a section referencing something called "Project 2000", which could be either "Process 2000", or the "Project Tracking System".

Most Process 2000 costs are tied to mapping, hardware, and infrastructure upgrades. Project Tracking System costs were generally supported by redirecting existing staff that supported

legacy mainframe systems and foregoing expenses related to reprogramming for fee changes and Y2K remediation.

Project Tracking System cost figures were supplied to the Grand Jury investigator, but we suspect confusion over the terms "Process 2000" and "Project Tracking System" may have led to a belief that complete data was not provided.

50% Timeline Reduction

Process changes brought about by Process 2000 including "shotgun start" plan routing versus "serial" plan routing, involvement of supervisors in repeat submitted rechecks, active project management have all contributed to the processing timeline reduction. This is not easy to quantify however, because the legacy systems replaced by the Project Tracking System often only tracked the first submittal. Sometimes none of the information regarding the review timeline was tracked. Therefore, no prior objective baseline has been recorded or is available. In order to try and quantify whether or not a 50% timeline reduction was achieved, customers were surveyed and the results of this survey were reported via City of San Diego Manager Reports 95-148, 95-179, and 96-190. Some might view this as a weak methodology because customers change over time, Project #1's scope may be radically different than that of Project #2, regulations and site conditions change, etc. The key point is that the 50% timeline reduction accrues to the entire lifespan of the project – not just submittal in our lobby. Additionally, the timeline reduction is a result of our process changes, staff effort, and organization. The Project Tracking System merely records the outcome. The Project Tracking System was never intended as the means to achieve a 50% timeline reduction.

Fact 1: There is no evidence that the Process 2000/Project Tracking System has reduced permit processing time by 50%.

True. Baseline data does not exist. Therefore this cannot be objectively proven.

Fact 2: Process 2000/Project Tracking System has not been developed and implemented within the time frame initially contemplated.

True. The Project Tracking System software development strategy accommodated a great deal of opportunity to redesign and change the software to support the re-engineering effort. Locking a system design against a shifting process would not be a path for success.

Fact 3: Process 2000/Project Tracking System has not been developed and implemented within the budget originally proposed.

True. The Project Tracking System software development strategy accommodated a great deal of opportunity to redesign and change the software to support the re-engineering effort. Locking a system design against a shifting process would not be a path for success.

Fact 4: Information is not available to enable the determination of the actual cost of developing and implementing the Process 2000/Project Tracking System.

Costs were provided to the Grand Jury.

Finding 1: The Development Services Department has not planned, developed, or accounted for the Process 2000/Project Tracking System in a proficient manner.

The City of San Diego and Development Services Department partially agree with this finding. As indicated in the Appendix A recommendations, the Development Services Department did not create a job order or accounting ID for the Development Services staff member who participated in the development of the Project tracking System.

The Development Services Department has created a Job Order number for that person to use.

RECOMMENDATIONS

The Grand Jury recommends that the San Diego City Council:

04-15-1: Require an evaluation of the Project 2000/Project Tracking System in order to determine the tangible improvements achieved, the efficiencies and effectiveness of what has been implemented and an overall evaluation of its impact on “customer service”.

The City of San Diego and the Development Services Department support and welcome recommendation 04-15-1, the need to evaluate the Project Tracking System, its implementation, and its impact on customer service.

The Development Services Department works directly with customers in focus groups to determine how we can better serve those customers. Suggestions for improvements to the Project Tracking System arise in those discussions and are acted upon. The Development Services Department will also include questions in our surveys of customers to elicit feedback on the Project Tracking System itself.

04-15-2: Require a complete audit of the Project 2000/Project Tracking System that reveals all information related to the income from fees assessed and the expenditures of those fees.

The City of San Diego and the Development Services Department do not support recommendation 04-15-2, the desire to require another audit of Project Tracking System expenditures.

The Development Services Department has provided cost figures for the development of the Project Tracking System over the course of two previous audits. The figures included a statement from one individual whose time could not be independently verified because no Job Order had been defined in our accounting system for this effort. The Development Services Department has since implemented the Grand Jury Auditor's recommendation to create a Job Order for that staff member to use.

04-15-3: Require a report that identifies those specific tasks remaining to be implemented for completion of the Project 2000/Project Tracking System.

The City of San Diego and the Development Services Department support recommendation 04-15-3, the need to identify specific tasks remaining to be implemented for completion of the Project Tracking System.

The Development Services Department has defined those tasks in the discussion above, its IT work plan, and Department IT performance goals.

04-15-4: Require a report that identifies the intended purposes, time lines, and costs for the remaining tasks of the Project Tracking System.

The City of San Diego and the Development Services Department support recommendation 04-15-4, the need to identify purposes, timelines, and costs for remaining Project Tracking System tasks.

The Development Services Department will budget and track remaining tasks in the overall Project Tracking System implementation as smaller individual projects.

04-15-5: Require the City Manager to implement policies to assure that future software development projects within the City of San Diego are carefully planned and implemented by experienced professionals who will assure that proper controls are in place so that the stated objectives of the project can be met, the project can be completed on time, and the costs of the project are budgeted and properly controlled.

The City of San Diego support recommendation 04-15-5, the need to implement policies to assure that software development projects within the City of San Diego are carefully planned and implemented by experienced professionals who will assure that proper controls are in place so that the stated objectives of the project can be met, the project can be completed on time, and the costs of the project are budgeted and properly controlled.

The City of San Diego has implemented a Project Management Office and Project Management Framework to accomplish these outcomes.

CONCLUSION

The City of San Diego and the Development Services Department do not support Grand Jury recommendation 4-15-2. The City of San Diego and the Development Services Department support recommendations 04-15-1, 04-15-3, 04-15-4, and 04-15-5.

Report Title: Torrey Hills

Due Date: 09/27/04

Report # 04-16

Responding Agency:

San Diego City Council



THE CITY OF SAN DIEGO

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SEP 29 2004

SAN DIEGO
COUNTY GRAND JURY

September 24, 2004

Honorable John S. Einhorn
Presiding Department of the Superior Court
220 West Broadway
San Diego, CA 92101-3830

Dear Honorable Judge Einhorn:

Enclosed is the City of San Diego's response to the Grand Jury Report entitled, "Torrey Hills: A Chapter in the Development of San Diego," dated June 29, 2004. This response was developed by my staff and the City Attorney, after an intensive review of the Grand Jury's findings and recommendations.

The Grand Jury Report is viewed as a notification that the City needs to do a more effective job in the review and processing of applications for Substantial Conformance Review.

This response has been submitted with the intent of addressing the concerns of the Grand Jury. The City of San Diego has and continues to make the review of applications for Substantial Conformance Review an important part of the development review process.

If there is other information that you would like or other actions you would like us to consider, please feel free to contact me at (619) 236-5945.

Respectfully submitted,


George I. Loveland
Assistant City Manager

Enclosure: City of San Diego Response to Grand Jury Report

cc: Leslie J. Girard, Assistant City Attorney
Gary Halbert, Acting Director Development Services
Marcela Escobar-Eck, Deputy Director Project Management Division
Cynthia Queen, Supervising Public Information Officer
Judy Stone, Executive Assistant
Mary Jo Lanzafame, Deputy City Attorney
Claudia Silva, Deputy City Attorney
John S. Fisher, Development Project Manager
Laura Nicks, County Grand Jury



Office of the City Manager

202 C Street, MS 9A • San Diego, CA 92101-3869

Tel (619) 236-6363 Fax (619) 236-6067

San Diego County Grand Jury, Report
"Torrey Hills: A Chapter in the Development of San Diego"
June 29, 2004

The City of San Diego has prepared responses following, in accordance with California Penal Code §933(c), the Findings and Recommendations of the Grand Jury report cited for reference below.

Finding

"When DSD grants SCR approval of a project on a second or later submission, the record should clearly indicate how earlier objections have been satisfied".

Recommendation

"Require Development Services Department adopt policies to assure that the record of an SCR approval is complete. When a project is approved after a second or later submission, the record should clearly indicate how earlier objections had been satisfied".

Response

The City of San Diego agrees with this finding. This recommendation will be implemented. In the future when DSD grants SCR approval of a project on a second or later submission, the City record will indicate how earlier objections have been satisfied. The City of San Diego has three active consolidated appeals and two cases without judgments related to SCR approvals. The City of San Diego desires a judicial ruling before implementing any policy. Final judgments are expected within six months. The City will prepare appropriate policies following those judgments with any necessary further analysis in light of the judicial determinations.

Finding

"Proper environmental consideration should precede any SCR approval".

Recommendation

"Require the Development Services Department to make sure no SCR approval is given without adequate environmental review".

Response

The City of San Diego agrees with the finding. The recommendation has been implemented. Once an application has been deemed complete, the CEQA Guidelines require a lead agency to determine whether an activity is subject to CEQA §15060(b). An activity is not subject to CEQA

if it does not involve the exercise of discretionary powers by a public agency CEQA §1506(c)(i). Moreover, if the lead agency determines that an activity is a project subject to CEQA, the “lead agency shall determine whether a project is exempt from CEQA per §15061(a). A project is exempt from CEQA if it is a ministerial project according to Public Resources Code §21080(b)(i) and CEQA Guidelines §15268(a).

SDMC §126.0112 describes the process by which an applicant may propose minor modifications to their development, commonly referred to as “SCR.” The decision to approve or deny a minor modification is made by the City Manager and is therefore a ministerial action. See SDMC §126.0112 and §113.0111. In the Torrey Hills projects the SCR process was provided for in the PID/PRD Permit to assure consistency between the proposed developments and the adopted Design Guidelines and Development Standards and other terms of the PRD/PID Permit.

As described above, the City must evaluate an application to propose minor modifications in conformance with CEQA. However, it should be noted that the level of “environmental review” required for a ministerial act, such as “SCR,” is a determination that the project is exempt. Under CEQWA this is deemed “adequate” environmental review. Conversely, if the SCR application is denied, this means that any proposed modifications would require a discretionary act and therefore further environmental review in accordance with Public Resources Code §21080 (c) or (d).

The Development Services Department will adopt more explicit policies assuring no SCR is approved inconsistent with the above referenced State and local laws and CEQA guidelines.



THE CITY OF SAN DIEGO

September 24, 2004

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SEP 27 2004

**SAN DIEGO
COUNTY GRAND JURY**

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Presiding Department of the Superior Court
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San Diego, CA 92101-3830

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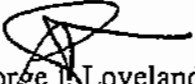
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Report Title: Who Dropped The Berm?

Due Date: 10/04/04

Report # 04-17

Responding Agency:

San Diego City Council



THE CITY OF SAN DIEGO

RECEIVED

August 27, 2004

SEP 27 2004
SAN DIEGO
COUNTY GRAND JURY

Thomas E. McCarthy
Foreman
San Diego Grand Jury
County of San Diego
330 W. Broadway, Suite 477
San Diego, California 92101-3830

Dear Mr. McCarthy:

**Subject: CITY OF SAN DIEGO RESPONSE TO GRAND JURY REPORT
"WHO DROPPED THE BERM", JUNE 29, 2004**

Pursuant to Penal Code 933.05, the City of San Diego provides the following response to the findings and recommendations in the above-entitled Grand Jury Report.

FINDINGS

- **Actions by the Engineering and Capital Projects and (E&CP), Development Services Department (DSD), and Neighborhood Code Compliance (NCC), regarding the berm may not have been in the interests of the City.**

The City of San Diego placed a Stop Work Order once we were made aware that grading was being performed inconsistent with the approved plans with earthen berms being constructed along San Dieguito Road. Immediately after issuance of the Stop Work Order, the Development Services Department initiated contacts with the Golf Course operators and the applicant in an effort to bring the project into conformance with the approved documents. As a result of several meetings and site visits, as well as evaluation of professional reports, the applicant was directed to remove the berms constructed along San Dieguito Road in a fashion that views from San Dieguito Road towards the River Valley were properly restored. Though the project was planned as a "balanced" project, no import or export of soil, the additional soil to the site created no other impacts. All imported material was placed within areas planned to be disturbed to create slope undulation and other golf course related features. In fact, if the developer proposed importing additional material in the planning stage, it would more than likely have been



approved with some modifications. Additionally, the City required a comprehensive hydraulic analysis of the San Dieguito flood channel after placement of the imported fill and found no impacts on flood water surface elevation in the floodway or flood fringe areas. Because the applicant performed grading inconsistent with the approved plans, the City issued a Notice of Violation in accordance with San Diego Municipal Code Sections 121.0201, 121.0311, and 121.0312.

- **The City Engineer who heads E&CP deputized a member of DSD TO ACT AS City Engineer for this project, but he did not assure that inspection reports for the project were given to this Deputy City Engineer. The authority to make decisions for the City was delegated but the responsibility and ability to monitor the project was not.**

Several engineers at the City, in both the Development Services and Engineering & Capital Projects Department, are deputized by the City Engineer to oversee the responsibilities of the City Engineer as defined in San Diego Municipal Code. Each of these departments has the ability and authority to monitor permitted projects within their areas of responsibility. The failure to question the revised grading at the subject property was a staff oversight and was not related in any way to the City Engineer's delegation of authority. Department management has reemphasized to staff the importance of quickly identifying and addressing field changes that are not in conformance with approved plans and applicable standards.

With regard to monitoring of the project, the City's involvement on these projects during construction, especially when they are private improvements like the Golf Course project, has been to ensure public safety, compliance with standards and to oversee the work on an as needed basis. When private project improvements are involved, the inspectors generally will not spend a considerable amount of time on the site unless called upon by the contractor, developer or engineer of work for consultation on the plans (in this case that didn't occur). The major role for compliance is left to the private contractor and private engineers overseeing the job who will certify the private project afterwards. The major involvement for the City inspectors is at the end of the project when they are asked to sign off the project and release the bond. The private engineer submits as-built drawings, which show exactly how the project was built, along with any as-graded soils reports which are given to us for approval. The inspectors' reports that were referred to in the Grand Jury Report were merely for inspectors' records. These notes are not necessarily shared with their supervisors when the projects are private and/or small in scope. However, the City will evaluate restructuring some procedures and this concept will also be evaluated.

- **When a City Department receives a complaint concerning an activity under the oversight of another City Department, it does not generally forward the complaint to that Department or contact the complainant to explain the situation.**

The City disagrees with this generalization. The City receives numerous contacts from the community through various departments and has established processes in place to make sure any complaint gets to the correct department. Thousands of contacts, both formal and informal are received annually and are addressed in an appropriate manner.

RECOMMENDATIONS

04-17-1 Establish policies that will ensure that City Departments monitor and enforce development agreements between the City and applicant.

The entire development review and inspection process followed at the City is aimed at making sure project applicants comply with applicable regulations, standards and any agreements. The development review and inspection process, along with the procedures, tools, and staff training used to implement it, is aimed at making sure agreements are followed.

04-17-2 Assure when the City Engineer delegates authority to an employee in another Department, he also assures that the employee receives all information and reports needed to properly enforce any issues that may arise.

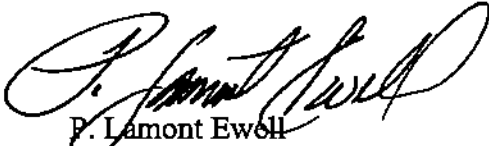
The Deputy City Engineer in the Development Services Department is responsible for overseeing the design and technical reports associated with privately funded projects. In that capacity, the Deputy City Engineer receives all information and reports needed to properly enforce any issues that may arise.

04-17-3 Establish uniform departmental policies regarding the handling of complaints. If the original complaint goes to an incorrect Department, the policy should specify how the complaint should be handled.

The City has two uniform systems to collect and track formal complaints made to the City Manager. One is the City Council Route Slip process and the City Manager Action Assignment Form process. Both are very efficient systems of responding to complaints and inquiries. Both are actively managed to make sure that the complaint is assigned to the appropriate City department and that the complaint is responded to in a timely fashion. The specific complaint in question did not get into one of these two processes. The City will explore using the Action Assignment Form process for additional types of complaints received by various departments.

The City of San Diego greatly appreciates and values the efforts put forth by the 2003-2004 San Diego County Grand Jury regarding this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Lamont Ewell", is written over the printed name.

P. Lamont Ewell
City Manager
City of San Diego

cc: Honorable Mayor and City Council
Casey Gwinn, City Attorney
Gary Halbert, Acting Director, Development Services Department
Patti Boekamp, Acting Director, Engineering and Capital Projects Department
Marcia K. Samuels, Director, Neighborhood Code Compliance
Will Griffith, Director, Real Estate Assets



THE CITY OF SAN DIEGO

RECEIVED
SEP 28 2004 9

August 27, 2004

Thomas E. McCarthy
Foreman
San Diego Grand Jury
County of San Diego
330 W. Broadway, Suite 477
San Diego, California 92101-3830

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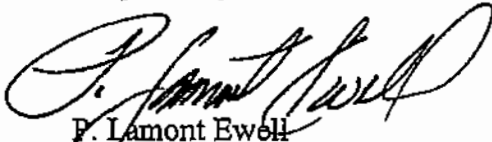
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City of San Diego

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